



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 151 – WEDNESDAY 12 OCTOBER 2011

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

MEMBERS PRESENT: Peter McQueen, Sandy Taylor, John McBride and Brendan Heenan

APOLOGIES: Libby Prell

OFFICERS PRESENT: Peter Somerville, Sally Cunningham, Ben Taylor and Melissa Pascual
(minutes)

COUNCIL REPRESENTATIVE: Mark Pierson

Meeting opened at 9:45am and closed at 10:40am

THE MINUTES OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1 DEVELOPMENT – LOT 3771, 9 WALKER STREET, SUBURB OF THE GAP,
TOWN OF ALICE SPRINGS
VERANDAH ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED
BUILDING SETBACK DISTANCE TO SIDE BOUNDARY
DAVID HOLMAN**

Patricia Holman attended the meeting and tabled photographs. Planning Officers tabled an email received from the submitter.

**RESOLVED
0086/11**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme and pursuant to section 53(a) of the Planning Act consent to the proposal to develop Lot 3771, 9 Walker Street, Suburb of the Gap, Town of Alice Springs for the purpose of an extension to an existing verandah with a reduced side setback, subject to the following conditions:

CONDITIONS:

1. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
2. Storm water 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.

NOTE:

1. This development permit does not grant "building approval" for development or use and the Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements. You are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing construction or the approved use. The Building Advisory Services Branch (89519218), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.

VARIATION GRANTED

1. Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme to allow the extension to the existing verandah with a building setback distance of 0.25m to the western side of the property boundary instead of the required 1.5m.

REASONS FOR THE DECISION:

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development

application, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. A variation is granted to the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme as the extension to the existing verandah will be partially screened by an existing 1.82m high corrugated fence on the property boundary. The western side of the verandah extension will be constructed of solid panels to a height of 2.5m, with lattice between the panels and the roof. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the setback height of the proposed extension, and design features are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

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. A submission was received (from the owners of the land adjacent to the affected boundary) about the application. The matters raised in the submission have been noted by the consent authority.
3. With the exception of the side setback, the development is compliant with the relevant controls contained in the NT Planning Scheme, is appropriate for the site and locality, and has little potential impact on the surrounding area. Consideration has been given to the streetscape and surrounding developments.

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

**ITEM 2 DEVELOPMENT – LOT 6731, 5 MAHOMED STREET, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
MULTIPLE DWELLINGS (CONSTRUCT 2 X 3 BEDROOM DWELLINGS IN A SINGLE STOREY BUILDING AND ALTERATIONS TO EXISTING BUILDING)
STEVEN ADLER & ANDREW NOCERA**

Steven Adler & Andrew Nocera attended the meeting.

**RESOLVED
0087/11**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.6 (Communal 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 6731, 5 Mahomed Street, Suburb of The Gap, Town of Alice Springs for the purpose of multiple dwellings (3 x 3 bedroom multiple dwellings in 2 x 1 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. The plans must be generally in accordance with the plans prepared and submitted by Steve Adler and considered by the consent authority on 12/10/2011 but modified to show:
 - a) opaque glass windows for ensuite bathrooms of the new dwellings (Units 1 and 2);
 - b) elevations (all sides) of the existing dwelling located at the front of the site;
 - c) details of landscaping and planting within all open areas of the site, the extent of concrete (not used for car parking areas and footpaths) should be reduced in favour of landscaping treatment. Species should be selected with an objective to provide additional screening of the new dwelling and outdoor entertainment areas when viewed from adjacent land;
 - d) details of fencing of all boundaries of the site (perimeter fencing and private open space areas). The sections of boundary fencing between the proposed new dwellings and the boundaries of Lots 6730, 951, 952 and 9243 must be solid metal and a minimum height of 2.4m above natural ground level to obstruct direct line of sight from proposed bedrooms and rear patios. Where existing fencing is being retained (i.e.: walls on the boundary of Lot 9243 and existing front fence, this information must be shown on the drawings);
 - e) a planting schedule of all existing trees to be retained, proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant.

All plant species selected must be to the satisfaction of the consent authority and 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. The landscape plan must also indicate that an in-ground irrigation system is to be provided to all landscaped areas.

CONDITIONS:

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The 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. 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

5. 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.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
7. 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 Alice Springs Town Council to the satisfaction of the consent authority.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. 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.
11. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained; and
 - (e) line marked/delineated to indicate each car space;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
12. The finished floor level for habitable rooms of the new dwellings shall be no lower than 571.3 metres Australian Height Datum (AHD) and no higher than 571.8 metres Australian Height Datum (AHD). The developer shall demonstrate compliance with this condition by providing "as-constructed" finished levels (certified by a Licensed Surveyor) of floor levels of habitable rooms for both the new dwellings, such that the levels fall within the upper and lower limits prescribed above. Levels should be provided for a minimum of 3 points on the floor of each dwelling. This condition is to the satisfaction of the Development Consent Authority.
13. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the title of Lot 6731, Town of Alice Springs. 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.

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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. 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.

VARIATIONS GRANTED:

1. Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow part of a driveway intended for two way traffic to be 3.5m wide (at its narrowest point) instead of the required 6m and a parking area to be located less than 3m from the front property boundary (as shown on the endorsed drawings)
2. Clause 7.3.2 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the reduced building setbacks as shown on the endorsed drawings.
3. Clause 7.6 (Communal Open Space) of the NT Planning Scheme to allow less than 15% of the site area to be communal open space.

REASONS:

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 is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme which is to provide for a range of housing options. Furthermore, the proposed development is considered to be of a scale, character and architectural style compatible with the streetscape and surrounding development.
2. Variations to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for;
 - a car parking area to be located less than 3m from a street frontage;and

- a driveway width of 3.5m (at its narrowest point) instead of the required 6m
- are considered satisfactory in this instance as the proposed design (as amended) will ensure that all car parking bays are useable, functional and convenient and in accordance with the intent of the clause. The variation to driveway width is justified through the existing site conditions (position of dwelling) inhibiting the ability to comply with the minimum standard width of 6m.
3. A variation to clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme is supported as, upon completion of landscaping and fencing, the variation required, in the context of the overall development of the site is not considered to result in any adverse impact on the existing and future amenity of the locality.
 4. A variation to clause 7.6 (Communal Open Space) of the NT Planning Scheme is supported in this instance as:
 - each multiple dwelling is provided with areas of private open space that exceed the dimensions prescribed by Clause 7.5 (Private Open Space); and
 - the site is located within convenient walking distance to areas of public open space including the Todd River to the east, neighbourhood parks and the Traeger Park locality which include high quality passive and active recreation areas.
 5. 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 residential accommodation.
 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. A local authority submission was received from the Alice Springs Town Council about the application. The matters raised in the submission have been noted by the consent authority and the conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.
 7. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the 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 new dwellings 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.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT – LOT 7458, 35 KENNETT COURT, SUBURB OF CICCONE,
TOWN OF ALICE SPRINGS
LIGHT INDUSTRY (WITH REDUCED CAR PARKING SPACES)
BYRON HALL**

Byron Hall attended the meeting.

**RESOLVED
0088/11**

That, 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 Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 7458, 35 Kennett Court, Suburb of Ciccone, Town of Alice Springs for the purpose of Light Industry, 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. 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) sealed or suitably dust suppressed (gravel);
 - (d) drained;
 - (e) line marked/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.

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:

1. Pursuant to section 51(a) of the Planning Act, the Authority must consider the Planning Scheme that relates to the land. The development is generally consistent with the primary purpose of Zone LI (Light Industry) of the NT planning Scheme which is to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land.
2. Variations to Clauses 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) of the NT Planning Scheme are granted as the use of the site (including vehicle parking) has not been altered significantly since first established (initially via approval DP94/0312). The number of spaces and arrangement of vehicle parking is considered suitable for the use of the land.
3. A variation to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted given the unusual shape of the allotment and the extensive existing mature landscaping maintained along all property frontages.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

ITEM 4

**DEVELOPMENT – LOT 5854, 16 THE FAIRWAY, SUBURB OF DESERT SPRINGS, TOWN OF ALICE SPRINGS
GARAGE WITH REDUCED SIDE AND REAR BUILDING SETBACKS
STRATCO (ALICE SPRINGS) PTY LTD**

Jeanette and Paul Coffey (land owners) and Floyd Malcolm from Stratco (Alice Springs) Pty Ltd attended the meeting.

**RESOLVED
0089/11**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 5854, 16 The Fairway, Suburb of Desert Springs, Town of Alice Springs for the purpose of a garage addition to an existing single dwelling with a reduced side and rear setback.

REASONS FOR THE DETERMINATION

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 development does not comply with Clause 6.11 (Garages and Sheds) of the NT Planning Scheme in respect to side and rear building setbacks of a garage. The proposal is not considered to achieve the objective of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme as the garage's significantly reduced side and rear setbacks will result in an incompatible development set well against the boundary of the adjacent properties with significant adverse

amenity impacts (from building massing) when viewed from the adjoining and nearby land (Lot 5853, The Fairway and Lot 5783, Alice Springs Golf Course). A survey of developments on the southern side of The Fairway revealed that no rear setback variations and only three side setback variations have been granted to date for garages or sheds. The Authority therefore consider that the extent of the proposed variations sought are not consistent with the outcomes, in terms of building form and proximity to the street, that are supported by the NT Planning Scheme.

2. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent'. It is considered that no special circumstances for the side and rear setback encroachments have been demonstrated in the application which justifies the consent authority granting a variation to the minimum standard of development set out in Clause 6.11 (Garages and Sheds) of the NT Planning Scheme.
3. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed garage will affect the visual amenity of the area as, the area has a distinct character with the majority of properties being well landscaped and freestanding garages/sheds setback at least the minimum 1.5m from the side and rear boundaries as required by the NT Planning Scheme with garages integrated within the design features of each dwelling. The design gives a poor amenity outcome for occupants of the land adjacent to the affected boundary and for the surrounding area in terms of building height and setback distance to side and rear boundaries being incompatible with the setbacks of buildings on adjacent land and adverse effects of building massing when viewed from adjoining land. The lack of proper presentation in the form of building articulation and screening to the affected property boundary confirms that the proposal is inconsistent with the relevant objectives of the NT Planning Scheme and lacks sufficient merit.

ACTION: DAS to prepare notice of refusal.

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



PETER McQUEEN
Chairman

17/10/2011