



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 161 – WEDNESDAY 8 AUGUST 2012

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

MEMBERS PRESENT: Peter McQueen, Brendan Heenan, David Koch and Geoff Booth

APOLOGIES: John McBride

OFFICERS PRESENT: Peter Somerville, Fraser Cormack and Kirra Morgan

COUNCIL REPRESENTATIVE: Mark Pierson

Meeting opened at 9:45am 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 – LOT 9399 AND NT PORTION 427 (155 COLONEL ROSE DRIVE AND 519 STUART HWY), SUBURB OF CONNELLAN , TOWN OF ALICE SPRINGS
CLEAR NATIVE VEGETATION
DEPARTMENT OF RESOURCES**

Mr Bruce Sawyer (Department of Resources) attended the meeting.

Submitters Steve Peters and Mardijah Simpson also attended. Ms Simpson tabled an additional submission and six photographs.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
0062/12 Authority consent to the application to develop Lot 9399 & NT Portion 427, Stuart Highway, Suburb of Connellan, Alice Springs for the purpose of clearing of native vegetation, 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 clearing of native vegetation is to be undertaken only in the areas identified on the endorsed drawing as "Permitted Clearing". All remaining native vegetation is to be maintained to the satisfaction of the consent authority.
3. The permit holder must ensure that the clearing operator has a copy of the permit, including the endorsed drawing, at all times during the clearing operation.
4. Before the vegetation removal starts, the boundaries of all vegetation stands to be removed and retained must be clearly marked on the ground or marked with tape or temporary fencing to the satisfaction of the consent authority.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council before commencement of any work within the Colonel Rose Drive road reserve.
2. 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 Natural Resources, Environment, The Arts and Sport.

3. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.
4. 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
5. The permit holder is advised that the proposal may have assessment implications under the Commonwealth Environment Protection and Biodiversity Conservation Act, contact the Commonwealth Department of Environment, Water, Heritage and the Arts on (02) 6274 1111.
6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the clearing phase of the development are available from Natural Resources Management Division, Department of Natural Resources, Environment, the Arts and Sport.
7. 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 Development Consent Authority must, in considering a development application, take into account any planning scheme that applies to the land to which the application relates. The proposal has been assessed as being generally compliant with the objectives and performance criteria of Clause 10.2 (Clearing of Native Vegetation in Zones H, A, RR, RL, R, CP, CN, RD and WM and on unzoned land) and Clause 10.3 (Clearing of Native Vegetation – Performance Criteria) of the NT Planning Scheme. The intended development site is also within Zone R (Rural) which allows for both agriculture and horticulture as permitted uses.
2. Pursuant to Section 51(e) of the *Planning Act*, the Development Consent Authority must, in considering a development application, take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The Authority, noting the concerns raised by submitters in relation to the removal of any significant trees and vegetation, were conscious of the applicant's stated intention that clearing would avoid drainage lines, retain the majority of corkwood and ironwood trees and preserve a buffer of existing vegetation

between adjoining small rural living lots to the east of the site and Colonel Rose Drive to the south.

3. Pursuant to Section 51(h) of the *Planning Act*, the Development Consent Authority must, in considering a development application, take into account the merits of the proposed development as demonstrated in the application. The proposed land clearing is an integral part of preparing the site for horticulture use as part of the Alice Springs Water Reuse Scheme which promotes sustainable use of water, one of the environmental targets of the Territory 2030 Strategic Plan. The Authority noted that the area to be cleared (60ha) formed only a relatively small portion (8.4%) of the total site of the Arid Zone Research Institute (AZRI) and that the initial development is part of a "proof-of-concept" stage only, with any further development (and clearing) dependent on the economic viability of the Scheme.
4. Pursuant to Section 51(j) of the *Planning Act*, the Development Consent Authority must, in considering a development application, take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The subject site is relatively flat and unconstrained. Comments received from the Department of Natural Resources, Environment, the Arts and Sport raise no objection to the proposal.

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

ITEM 2 DEVELOPMENT – LOT 7399, 25 LOVEGROVE DRIVE, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS HOSTEL FOR STUDENT ACCOMMODATION (20 BEDROOMS AND SHARED FACILITIES IN 3 SINGLE STOREY BUILDINGS) ANCILLARY TO EXISTING EDUCATION ESTABLISHMENT NT LINK PTY LTD

Mr Garry Wilson (NT Link Pty Ltd) attended the meeting.

**RESOLVED
0063/12**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 7399 (25) Lovegrove Drive, Suburb of Araluen, Town of Alice Springs for the purpose of a hostel (accommodation facility for short-term visitors) ancillary to an education establishment, subject to the following condition precedent and conditions:

CONDITION PRECEDENT

1. Prior to the commencement of building works, two (2) copies of a revised site plan, generally in accordance with the site plans submitted with the application but including landscaping details for the hostel development, drawn to scale and with dimensions, must be submitted to the consent

authority for approval. When a revised site plan has been approved pursuant to this condition, it will be endorsed and will then form part of the permit.

The plan should include:

- (a) details of landscaping (including significant trees to be retained) and proposed planting;
- (b) provision of an in ground irrigation system to all landscaped areas;
- (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; and
- (d) footpaths, linking the hostel accommodation to designated car parking / bus drop-off areas and showing proposed surface treatment suitable for access by persons with a disability (refer Clause 8.2.2(j) of the NT Planning Scheme and *Disability (Access to Premises—Buildings) Standards 2010*).

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 development works 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. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity services and fire fighting infrastructure to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the hostel use commences, 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 plans endorsed as part of this permit must be maintained generally in accordance with the endorsed plans, to the satisfaction of the consent authority.

NOTES

1. The development and use hereby permitted should be designed, constructed, registered and operated in accordance with the Building Code of Australia and the NT Public and Environmental Health Act and Regulations.

2. This development permit does not grant "building approval" for the proposed structure. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals have been obtained before commencing demolition or construction works.
3. 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.

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 and use is considered to be of a scale and nature consistent with the primary purpose of Zone CP (Community Purposes) and to be ancillary to the established development and use of the site as an education establishment.
2. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the consent authority must take into consideration the merits of the proposal. The proposed development and use is expected to benefit local and broader communities by providing enhanced opportunities for visiting groups to gain culturally enriching experiences.
3. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and *Planning Regulations*. One (1) public submission was received in relation to the application and was duly considered by the consent authority in its deliberations on and determination of, the application.
4. The development, as approved is considered to be appropriate to Zone CP (Community Purposes) and to respond satisfactorily to relevant provisions of the NT Planning Scheme and the conditions of approval are expected to assist in ensuring the orderly servicing and development of the property. The further details sought on disability access and landscaping are in response to the matters contained under Clause 8.2.2.(j) and (m) of the NT Planning Scheme.

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

**ITEM 3 DEVELOPMENT – LOT 7536, 38 RAILWAY TERRACE, TOWN OF ALICE SPRINGS
ADDITION OF A GARAGE AND CHANGES TO FLOOR AND CAR PARKING LAYOUT OF EXISTING SHOP AND WAREHOUSE
SAINT VINCENT DE PAUL SOCIETY (NT) INC.**

Brendan Chan (Sue Dugdale and Associates) attended the meeting.

**RESOLVED
0064/12**

That, pursuant to section 53(b) of the *Planning Act*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lot 7536 Railway Terrace, Town of Alice Springs for the purpose of alterations to a shop including addition of garage, changes to floor layout, parking layout and landscaping, subject to the following condition precedent and conditions:

CONDITION PRECEDENT

1. Prior to the commencement of building works, two (2) copies of revised plan/s (generally in accordance with the plan numbered A02 Revision 4 prepared by Susan Dugdale and Associates and dated 2 August 2012) drawn to scale and with dimensions, must be submitted to the consent authority for approval. When the revised plans have been approved pursuant to this condition, they will be endorsed and will then form part of the permit. The plan/s should include:
 - (a) details of all landscaping on the site, including significant trees to be retained and proposed planting;
 - (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 (including fence type and height); and
 - (d) must include direct and independent pedestrian access (i.e. not through the vehicle access gate or the existing loading ramp area) between the on-site 'disabled car space' and existing access ramp at the front of the shop, which is suitable for persons with a disability. Due reference should be made to Clause 8.2.2(j) of the NT Planning Scheme and *Disability (Access to Premises—Buildings) Standards 2010*).

GENERAL CONDITIONS

2. Any development works 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.
3. 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.
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.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity services and fire fighting infrastructure to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant

legislation at the time.

7. The area set aside for the parking of vehicles 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 to indicate each car space and all access lanes and driveways;to the satisfaction of the consent authority. Car spaces, driveways and loading bays must be kept available for these purposes at all times.
8. The landscaping shown on the endorsed plans must be established and maintained generally in accordance with plans endorsed as part of this development permit, to the satisfaction of the consent authority.

NOTES

This development permit does not grant "building approval" for the proposed structure. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals have been obtained 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 proposed changes to the established shop development are considered to be minor in the context of the NT Planning Scheme and are of a scale and nature consistent with the primary purpose of Zone CB (Central Business).
2. The consent authority, having considered the proposed development and continued use of the site with regard to the Clause 6.5.2.2(a), (b) and (c) of the NT Planning Scheme and expects the proposed car parking provision to meet the purpose of Clause 6.5.1 of the Scheme.
3. 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 required variation to Clause 6.5.3(g) of the NT Planning Scheme, including that:
 - a) the area available for landscape screening and car parking is limited by existing security fencing towards the eastern and western sides of the lot;
 - b) the dimensions of the areas available for landscaping on the eastern side of the site are adequate to accommodate landscaping that will meet the objective of the clause, which is to lessen the visual impact of the car parking area; and
 - c) the proposed development is not expected to frustrate the purpose of Clause 6.5.3 of the Planning Scheme, on account of the variation to the

provision, provided that landscaping is appropriately selected, established and maintained.

5. 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 required variation to Clause 6.6 of the NT Planning Scheme, including that:
 - (a) the proposed loading bay layout and provision has been established and operating for numerous years without any known problems and is considered to be satisfactory, given that no change to the use is proposed; and
 - (b) the use of the loading facility may be effectively managed, as it is expected to be used almost exclusively by the operators of the facility, rather than for general delivery purposes.
6. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the consent authority must take into consideration the merits of the proposal. Merits of the proposed development include: provision of parking and toilet facilities for persons with disability; and provision of secure all weather parking for two vehicles.
7. The development, as approved is considered to be appropriate to Zone CB (Central Business) and to respond satisfactorily to relevant provisions of the NT Planning Scheme and the conditions of approval are expected to assist in ensuring the orderly and appropriate servicing and development of the property. The further details sought on disability access and landscaping are in response to the matters contained under Clause 8.2.2.(j) and (m) of the NT Planning Scheme.

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

ITEM 4 **DEVELOPMENT – LOT 8634, 2 KHALICK STREET, SUBURB OF EAST SIDE
LOT 8960, 27 SHANAHAN CLOSE, SUBURB OF MT JOHNS
LOT 5665, 3 MARIAE PLACE, SUBURB OF SADADEEN
LOT 8910, 14 HEAVITREE COURT, SUBURB OF MT JOHNS
LOT 6402, 27 CYPRESS CRES, SUBURB OF EAST SIDE
LOT 9011, 36 LARAPINTA DR, SUBURB OF ARALUEN
LOT 9055, 14 REUS COURT, SUBURB OF EAST SIDE
TOWN OF ALICE SPRINGS
ADDITION OF VEHICLE ACCESS GATE AND FENCING TO EXISTING
MULTIPLE DWELLING DEVELOPMENT
ZONE A PTY LTD**

Mr Stuart Chalmers (Zone A Pty Ltd) attended the meeting.

RESOLVED **RESOLUTION FOR LOT 9011**
0065/12

That, the Development Consent Authority vary the requirements of Clause 6.5 (parking layout) of the NT Planning Scheme, and pursuant to section 53(a) of the

Planning Act, consent to the proposed development on Lot 9011, Suburb of Araluen, Town of Alice Springs for the purpose of constructing an access gate in association with an approved existing multiple dwelling development, 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. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
3. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Road Network Division of the Department of Lands and Planning, to the satisfaction of the consent authority.
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.

NOTE

This development permit does not grant "building approval" for the proposed structure. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals have been obtained before commencing demolition or construction works.

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 is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options. Furthermore, the proposed development is considered to be compatible with the existing development, surrounding development and the streetscape in the locality.
2. 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 appropriate for the site and locality and the reduced driveway width to accommodate the new vehicle access and pedestrian gates is not expected to adversely impact on the existing or further amenity of the site or area.
3. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

RESOLUTION FOR LOTS 5665, 6402, 8634, 8910, 8960 AND 9055

That, the Development Consent Authority pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop the following lots:

- Lot 5665, 3 Mariae Place, Suburb of Sadadeen;
 - Lot 6402, 27 Cypress Cres, Suburb of East Side;
 - Lot 8634, 2 Khalick Street, Suburb of East Side;
 - Lot 8910, 14 Heavitree Court, Suburb of Mt Johns;
 - Lot 8960, 27 Shanahan close, Suburb of Mt Johns; and
 - Lot 9055, 14 Reus Court, Suburb of East Side,
- Town of Alice Springs for the purpose of constructing access gates in association with an existing approved multiple dwelling development, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
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.

NOTE:

This development permit does not grant "building approval" for the proposed structure. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals have been obtained before commencing demolition or construction works.

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 is consistent with the primary purpose of Zone MD (Medium Density Residential) / Zone MR (Medium Density Residential) to provide for a range of housing options. Furthermore, the proposed development is considered to be compatible with the existing development, surrounding development and the streetscape in the locality.

2. 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 appropriate for the site and locality.
3. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION:

DAS to Defer or prepare a Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

10/8/2012