

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 173 – WEDNESDAY 10 JULY 2013

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

MEMBERS PRESENT: Peter McQueen (Chairman), David Koch, Brendan Heenan and John McBride

APOLOGIES: Geoff Booth

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Mal MacDonald and Kirra Morgan

COUNCIL REPRESENTATIVE : NA

Meeting opened at 9:40 am and closed at 9:50 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 – SUBDIVISION TO CREATE TWO LOTS
 LOT 441, 135 RAGONESI ROAD, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
 MARGOT WEBSTER**

Ms Margot Webster attended the meeting.

**RESOLVED
0059/13**

Pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 441, 135 Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of a subdivision to create two lots, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing numbered PA13/0369/1 endorsed as forming part of this permit.
2. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity facilities, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for the storm water drainage and vehicular access to each lot are to be to the technical requirements of Alice Springs Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. Before the issue of titles, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.

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. 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.

3. 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.
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. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction (fencing / civil works) phase of the subdivision are available from Department of Land Resource Management.
6. 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.
7. 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.
8. 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. The proposed subdivision complies with the relevant performance criteria contained in the NT Planning Scheme relating to subdivision of land within Zone TC (Tourist Commercial).
2. Pursuant to section 51(b) of the *Planning Act*, the consent authority must, in considering a development application, take into account any proposed amendments to the NT Planning Scheme. Proposed Planning Scheme Amendment PA2013/0283 has been publicly exhibited and seeks to rezone the land from TC (Tourist Commercial) to RL (Rural Living). The development application has been assessed as being compliant with the objectives and performance criteria contained in Part 5 of the NT Planning Scheme relevant to the subdivision of land within Zone RL (Rural Living).

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities to be provided to the developer for that purpose. Technical comments received from service authorities have advised of no objection to the proposal and have identified that reticulated electricity and water services are available to the site. The conditions attached to the Development Permit duly recognise the interests of service authorities.
4. 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. One submission was received about the application. The matters raised in the submission have been noted by the consent authority.

ACTION:

Notice of Consent and Development Permit

ITEM 2

**DEVELOPMENT – MULTIPLE DWELLINGS (CONSTRUCT 3 X 3 BEDROOM DWELLINGS IN 2 X 2 STOREY BUILDINGS AND REFURBISH THE EXISTING SINGLE STOREY DWELLING)
LOT 1062, 24 WOODS TERRACE, SUBURB OF BRAITLING, TOWN OF ALICE SPRINGS
ZONE A PTY LTD**

Stuart Chalmers attended the meeting.

**RESOLVED
0060/13**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) 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 1062, 24 Woods Terrace, Suburb of Braitling, Town of Alice Springs for the purpose of multiple dwellings (construct 3 x 3 bedroom dwellings in 2 x 2 storey buildings and refurbish the existing single storey 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 proposed floor layout of Unit 1;
 - (b) length, width and manoeuvring dimensions of car parking bays for Unit 1 compliant with the requirements of Clause 6.5.3 (Parking Layout) of the NT

- Planning Scheme;
- (c) The private open space areas of each dwelling screened on each boundary by the erection of a solid wall or screen fence not less than 1.8 metres high;
 - (d) a survey (including botanical names) of all existing vegetation to be retained;
 - (e) details of surface finishes of all pathways and driveways;
 - (f) 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;
 - (g) canopy trees (minimum of three metres tall once mature) in a spacing of one tree every 10m abutting the eastern (Stuart Highway) boundary of Lot 1062;
 - (h) landscaping and planting within all open areas of the site; and
 - (i) 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 clause 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council (Woods Terrace and rear laneway) and the Department of Transport (Stuart Highway) to the satisfaction of the consent authority.
4. 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.
5. The owner shall:
 - (a) Remove disused vehicle and/or pedestrian crossovers;
 - (b) Provide footpaths/cycleway; and
 - (c) Undertake reinstatement works;All to the technical requirements of and at no cost to the Alice Springs Town Council (Woods Terrace and rear laneway) and the Department of Transport (Stuart Highway) to the satisfaction of the consent authority.
6. 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.
7. 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.
8. All air condition 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.

9. 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 as they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained; and
 - (e) line marked (or otherwise delineated) to indicate each car parking space; to the satisfaction of the consent authorityCar spaces, access lanes and driveways must be kept available for these purposes at all times.
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure site lines at the junction of the driveway and the public street.
11. Before 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.
12. 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.
13. The dwellings shall be of appropriate acoustic design and construction in compliance with Clause 7.8(2)(h) of the NT Planning Scheme 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 and the Department of Transport before commencement of any work within the road reserve.
2. This development permit does not grant "building approval" for the proposed structures. The Building Code of Australia requires that certain structures within 900mm of a boundary meet the 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.
3. The Power and Water Corporation 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.
4. The Department of Lands, Planning and the Environment advises that

construction work should be conducted in accordance with the NRETAS 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.

5. Due to the proximity of the site to the Stuart Highway, the Developer should consider having an assessment carried out by a suitably qualified person of the developments' present and future exposure to traffic noise levels in accordance with AS3671-1989 "Road Traffic Noise Intrusion – Building Siting and Construction" and where required, provide appropriate noise attenuation measures.
6. Prior to works commencing, it is recommended that the land owner / developer engage the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land.

VARIATIONS GRANTED

1. Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is varied to allow parts of the driveway to be less than 6m wide and part of the parking and driveway area to be setback less than 3m from the Stuart Highway frontage, as shown on the endorsed drawings.
2. Clause 7.6 (Communal Open Space) of the Northern Territory Planning Scheme is varied to allow less than 15% of the site area to be communal open space.

REASONS FOR THE DECISION

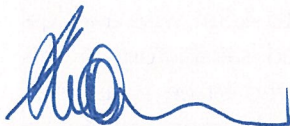
1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options. Furthermore, the proposed development is considered to be of a scale, character and architectural style compatible with the Stuart Highway streetscape and surrounding development in the Braitling locality.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for parts of a driveway (designed for two way traffic) to be pinched to 4.5m wide and less than 3m from the Stuart Highway boundary is considered satisfactory in this instance as the proposed site responsive design is considered to be functional, maintains site lines and is appropriate for the minimal vehicular movements of a low density multiple dwelling development in accordance with the intent of the clause. Amended plans showing car parking bays for Unit 1 compliant with the dimension (length and width) and manoeuvring requirements contained in Clause 6.5.3 will ensure these spaces are appropriately designed, constructed and maintained for their intended purpose.
3. A variation to Clause 7.6 (Communal Open Space) of the NT Planning Scheme is supported in this instance as:

- each unit is provided with functional and appropriately designed private open space areas; and
 - the site is located within convenient walking distance to established areas of quality public open space and community recreational facilities (neighbourhood parks and sporting facilities within the suburb of Braitling).
4. Pursuant to section 51(e) of the *Planning Act*, in considered 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. One submission was received from a representative of the owners of the land (Lot 1061) adjacent to the subject site about the application. The matters raised in the submission have been noted by the consent authority.
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(n) of the *Planning Act*, the consent authority is required to consider the potential impacts on the existing and future amenity of the area in which the land is situated. Amended drawings are required to show:
- Screen fencing of private open space areas to a height of at least 1.8m to provide a visual barrier to adjoining residences and public areas; and
 - Full details of landscaping to the site
- The authority considers that these measures will assist in ensuring that the amenity of the occupants of the dwellings, surrounding residents and the streetscape is preserved.

ACTION:

Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

12 / 7 / 2013