



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 138 – WEDNESDAY 8 DECEMBER 2010

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

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

APOLOGIES: Libby Prell and Sandy Taylor

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

COUNCIL REPRESENTATIVE: Mark Pierson

Meeting opened at 9:45 am and closed at 10:55 am

THE MINUTES RECORD THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE 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 SUBDIVISION TO CREATE TWO (2) LOTS
NT PORTION 6368, 886 ILPARPA ROAD, SUBURB OF WHITE GUMS, TOWN OF
ALICE SPRINGS
ALAN KEELING**

Alan Keeling and Rod Cramer attended.

**RESOLVED
154/10**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop NT Portion 6368, 886 Ilparpa Road, Suburb of White Gums, Alice Springs for the purpose of a subdivision to create two (2) lots for the following reasons:

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration any planning scheme that applies to the land to which the application relates. The Development Consent Authority must not consent to a proposed development if the proposal is contrary to provisions in the Northern Territory Planning Scheme that permit, prohibit, restrict or impose conditions on use or development of land (Section 52(1)(b) of the *Planning Act*).

By virtue of Clause 2.6 of the Northern Territory Planning Scheme (Subdivision of Land) the proposed development requires consent because it is a subdivision and because it does not comply with all the provisions of Part 5 the NT Planning Scheme relating to the subdivision of R (Rural) zoned land.

Notwithstanding the terms of section 52(1)(b) of the *Planning Act*, the Development Consent Authority may, if satisfied that special circumstances exist, which justify a departure from the standards prescribed by the Northern Territory Planning Scheme, grant consent, (the discretion does not extend to prohibited uses or developments).

The application did not demonstrate special circumstances which would justify a departure from the standards set by the Northern Territory Planning Scheme in respect to Clauses 11.1.1 (Minimum Lot Sizes) and 11.4.3 (Lot Size and Configuration in Rural Subdivisions), as required in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority).

2. The Development Consent Authority must not consent to a proposed development if the proposal is contrary to provisions in the Northern Territory Planning Scheme that include statements of policy in respect of the use or development of land (Section 52(1)(a) of the *Planning Act*). A subdivision which would result in lot sizes of 7.6%, and 12.02% of the minimum standard is inconsistent with the primary purposes of the R (Rural) zone, in which the proposed development is located.

ACTION: DAS to prepare a Notice of Refusal

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

ITEM 2

**MULTIPLE DWELLINGS (ADDITIONAL 4X3 BEDROOM DWELLINGS IN TWO STOREYS)
LOT 2278, 11 PARKE CRESCENT, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
ROBERT TURNER**

Robert Turner attended.

**RESOLVED
155/10**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout), 6.14 (Land Subject to Flooding and Storm Surge), 7.3 (Building Setbacks of Residential Buildings), 7.5 (Private Open Space) and 7.6 (Communal Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 2278, 11 Parke Crescent, Suburb of The Gap for the purpose of multiple dwellings (4x3 bedroom dwellings in two storeys), 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 amended plans dated 08/09/2010 and submitted 29/10/2010 (prepared by JT Drafting), but modified to include:
 - (a) Detail that is consistent with supporting information supplied on 29/10/2010 regarding the proposed method of flood proofing of the proposed buildings to the level of inundation projected in the 1% AEP flood event (plus an additional 300mm as stated in the supporting information supplied by the applicant).
 - (b) Full details of the carport for Unit One together with appropriate site and elevation plans for the structure.

2. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the conceptual landscaping shown on the plan dated 08/09/2010 A-01 (prepared by JT Drafting) except that the plan must show:
 - (a) site landscaping that complies in full with the requirements of Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation);
 - (b) at least two canopy trees (minimum two metres tall when planted) planted along the southern property boundary between units one and five;
 - (c) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (d) a planting schedule of all proposed trees, shrubs and ground covers,

- including botanical names, common names, sizes at maturity, and quantities of each plant;
- (e) landscaping and planting within all open areas of the site;
 - (f) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority.

CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Before the use or occupation of the development starts, the area(s) 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 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.
5. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
6. 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.
7. The owner shall collect stormwater and discharge it to the drainage network to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
8. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
9. 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
10. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
11. The owner of the land must enter into agreements with the relevant

authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

12. 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.
13. 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.
14. 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.
15. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the title of Lot 2278 to include the following advice on the lot indicated on the endorsed plans. The Caution Notice is to state, "This allotment is subject to inundation in a 1%AEP floor event". Evidence of lodgement/registration on the parcel shall be provided to the satisfaction of the consent authority.
16. The finished floor levels of habitable rooms of dwellings two, three, four and five shall be no lower than 571.0 m Australian Height Datum (AHD) and no higher than 571.5m AHD.

NOTE:

The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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. The proposed development is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) to provide for a range of housing options to a maximum of two storeys. The proposed development is considered to be of a scale, character and architectural style compatible with other development in the immediate area.
2. A variation is granted to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow a parking area to be located less than 3m from a road. The area of non-compliance is limited to the two parking spaces assigned to unit one. The parking spaces will be screened by a 1.8m high solid block wall with limited visibility from the road.

3. A variation to Clause 6.14 (Land Subject to Flooding and Storm Surge) is granted as the reduced finished floor levels (lower than the 1% AEP flood level) will allow for an infill development more in keeping with the existing scale and character of the existing residential development in Parke Crescent. Furthermore, the reduced overall building height will assist in maintaining existing privacy of adjacent allotments and reduce any adverse impacts or loss of amenity caused by overlooking.
4. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme are supported as the variations required are limited to the front building setbacks for an open structure (carport). The carport will be located behind a solid block wall to a height of 1.8m and the approved variation is considered minor in terms of the overall development.
5. A variation to Clause 7.5 (Private Open Space) of the NT Planning Scheme is granted as the area provided in total generally exceeds requirements of the Scheme. Non-compliance is limited to the rear yards of units four and five where additional area has been provided to offset the non-compliance in dimension requirements.
6. A variation to Clause 7.6 (Communal Open Space) of the NT Planning Scheme is granted as the dwellings are provided with generous areas of private open space and the site is located within close proximity to areas of public open space including the Todd River and the Traeger Park sports precinct.
7. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.

ACTION: Notice of Consent and Development Permit

**ITEM 3 CHANGE OF USE TO OFFICES, CONSTRUCT EXTENSION FOR ABLUTIONS AND CONVERT WORKSHOP INTO SECURE CAR PARK.
LOT 7884, 36 PRIEST STREET, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS
ZONE A PTY LTD**

Stuart Chalmers (Zone A Pty Ltd) and Gavin McGargill attended the meeting and tabled documents.

**RESOLVED
156/10**

That, the Development Consent Authority vary the requirements for Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 7884, 36 Priest Street, Suburb of Ciccone, Town of Alice Springs, for the purposes of a Change of Use (part of site) from Education Establishment to Office including construction of additional car parking, ablution and office areas, subject to the following conditions:

CONDITION PRECEDENT

1. Before the development starts, a landscaping and fencing plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The plan must show:
 - a. details of surface finishes of pathways, car parking areas and driveways;
 - b. details of fencing to all property boundaries;
 - c. a planting schedule of all existing and proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - d. landscaping and planting within all open areas of the site; and
 - e. provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. An Occupancy Permit under the *Building Act* must not be issued until Lots 7884 and 8061, Priest Street, Town of Alice Springs have been consolidated and a new title issued for the consolidated lot.; OR Access / right of way easements in favour of each lot (as appropriate) shall be registered on the Titles of Lots 7884 and 8061, to the satisfaction of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and telecommunications services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. 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.
7. Before the use of the development starts, the area(s) 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 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.

8. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. Before the 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.

NOTE:

This development permit does not grant "building approval" for a development or use. 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 (89519235), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the purpose of Zone GI (General Industry) and complies with all relevant provisions of the NT Planning Scheme with the exception of Clause 6.5.3 (Car Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme.
2. The proposed variation to Clause 6.5.3 (Car Parking Layout) of the NT Planning Scheme of the Northern Territory Planning Scheme is supported as the Development Consent Authority considers that the three new parking spaces, which do not meet the required dimensions, are expected to be functional.
3. The conditions of approval are intended to assist in ensuring the orderly servicing, use and development of the site.

ACTION: Notice of Consent and Development Permit

ITEM 4

**CARPORT WITH REDUCED FRONT SETBACK
LOT 4611, 146 KURRAJONG DRIVE, SUBURB OF EAST SIDE, TOWN OF ALICE
SPRINGS
GARY BURNS**

Gary Burns attended the meeting.

**RESOLVED
157/10**

That pursuant to section 48B of the *Interpretation Act*, the Authority revokes Development Permit DP10/0261, varies the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act*, consent to the alerted application to develop Lot

4611, 176 Kurrajong Drive, Suburb of East Side, Town of Alice Springs for the purpose of a carport with reduced front setback, 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. Stormwater is to be contained within the site or 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 Development Consent Authority (on advice from the Alice Springs Town Council).

REASONS FOR THE DECISION

1. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for the purpose of a carport with reduced front setback is supported as the carport will be constructed over an existing vehicle parking area / driveway, is compatible with building setbacks of surrounding properties and is integrated into the design features of the existing single dwelling.
2. This Development Permit is issued pursuant to section 48B of the Interpretation Act to correct an error contained within Development Permit DP10/0261.

ACTION:

Notice of Consent and Development Permit

ITEM 5

**CHANGE OF USE (PART OF SITE) TO ANIMAL BOARDING (DOG GROOMING AND ACCOMMODATION)
LOT 4433, 18 KIDMAN STREET, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS
ELLE MCKAY**

Elle McKay and Cila McKay attended the meeting and tabled documents.

RESOLVED 158/10

That, the Development Consent Authority vary the requirements for Clause 6.5.1 (Parking Requirements, Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act* consent to the application to develop Lot 4433, 18 Kidman Street, Suburb of Ciccone, Town of Alice Springs, for the purposes of a Change of Use (part of site) to Animal Boarding (dog grooming and accommodation), 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 use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.

4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of vermin
5. No more than six dogs (not including those on site for "day care" or grooming purposes) may be accommodated (boarded) on the premises at any one time without the further consent of the consent authority.
6. Before the use or occupation of the development starts, the area 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 or suitably delineated to indicate each car space and all access lanesto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The car parking shown on the endorsed plan must be available at all times for the exclusive use of the occupants of the development and their visitors / clients.
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 development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the *NT Public Health Act and Regulations* and the Alice Springs Town Council's licensing requirements for kennels.
2. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

4. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. Pursuant to section 51(n) of the *Planning Act* the Development 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 animal boarding facility (dog grooming and accommodation), is located in an existing structure (altered) and will be managed by the caretaker of the land. No impact on amenity is expected other than that which would be ordinarily associated with land zoned LI (Light Industry).
2. The conditions of approval are intended to assist in ensuring the orderly servicing, use and development of the site.
3. The physical characteristics and zoning of the site are considered suitable for the proposed purpose.
4. The proposed development/use is considered to reflect a positive response to the relevant objectives and provisions of the NT Planning Scheme and is considered to incorporate features that may reasonably ensure that the development and use will not unduly impact on the amenity of other properties.

ACTION: Notice of Consent and Development Permit

ITEM 6 **SHED/GARAGE WITH REDUCED SETBACKS TO FRONT AND SIDE SETBACKS
LOT 7182, 37 LYNDVALE DRIVE, SUBURB OF LARAPINTA, TOWN OF ALICE
SPRINGS
MITCHELL HENKES**

The applicant did not attend.

**RESOLVED
0159/10**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7182, 37 Lyndavale Drive, Suburb of Larapinta, to require the application to provide the following additional information that the Authority considers necessary in order to enable proper consideration of the application:

- (a) Provide justification or special circumstances for such a significant variation to the NT Planning Scheme's requirements for the proposed garage;
- (b) Provide owner's authorisation from the registered land owners, being the Proprietors Units Plan 92/037;
- (c) Provide written authorisation or evidence of an agreement between the registered land owners regarding locating a private structure within common property.

REASONS FOR THE DECISION

1. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Northern Territory Planning Scheme, the Development Consent Authority may only consent to a development that does not meet the standards set out in Part 4 of the Scheme if special circumstances justifying the granting of consent are supplied by the applicant.
2. The application proposes constructing a private structure within common property. Consent from all property owners (as registered on the title for Lot 7182) has not been provided in full and the Authority must be satisfied that all parties provide consent for the development.

ACTION: DAS to notify the applicant of the deferral

ITEM 7

**EXTEND BASE PERIOD OF DEVELOPMENT PERMIT DP05/0120 (SUBDIVISION TO CREATE 264 LOTS)
LOTS 1729 & 9913, RAGONESI ROAD, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
MICRO HOLDINGS PTY LTD**

Mr Ron Sterry attended the meeting.

**RESOLVED
160/10**

That, the Development Consent Authority pursuant to section 59(3)(a) of the Planning Act, consents to extend the base period of Development Permit DP05/0120 for a further 12 months. DP05/0120 will expire on 13 March 2012.

ACTION: DAS to prepare an Extension of Time permit

ITEM 8

**VARIATION TO CONDITION PRECEDENT 1 OF DP10/0504 AND APPROVAL OF THE SITE LAYOUT PLAN
LOTS 5667 & 5668, 5 & 6 MARIAE PLACE, SUBURB OF SADADEEN, TOWN OF ALICE SPRINGS
GIOVANNI MORELLI**

Giovanni Morelli (Morelli Building PTY LTD) attended.

**RESOLVED
161/10**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary points (b) and (c) of Condition Precedent 1 of Development Permit DP10/0504 (for the purpose of a garage, revised carport details, altered orientation of Unit 4 and retaining walls) relating to the development of Lots 5667 and 5668, 5 & 6 Mariae Place, Alice Springs.

In all other respects Development Permit DP10/0504 remains unchanged.

ACTION: DAS to prepare a Variation of Conditions permit

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



PETER McQUEEN
Chairman

13/12/2010