

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 157 – WEDNESDAY 11 APRIL 2012

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

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

APOLOGIES: Libby Prell

OFFICERS PRESENT: Ben Taylor and Kirra Morgan

COUNCIL REPRESENTATIVE: Greg Buxton

Meeting opened at 9:45 am and closed at 11:15 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 1604, 400 STUART HIGHWAY, SUBURB OF
ARUMBERA, TOWN OF ALICE SPRINGS
DEVELOPMENT - SUBDIVISION TO CREATE 72 (SEVENTY TWO) LOTS
SUSAN DUGDALE**

The applicant did not attend the meeting. Development Assessment Services tabled a letter from the applicant (date stamped 03/04/2012) seeking postponement of the application.

**RESOLVED
0024/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 1604 (400) Stuart Highway, Suburb of Arumbera, Town of Alice Springs for the purpose of subdivision to create 72 lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- An amended plan demonstrating that a minimum of ten percent of the 4.88 ha site will be provided *as public open space that is unencumbered by drains and has sufficient flat area for informal recreation* in accordance with Clause 11.2.2 (f) (Public Open Space provisions) of the NT Planning Scheme. Alternatively, provide additional information to verify that, in accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, that special circumstances justify the giving of consent.
- An amended plan indicating the proposed land use of each lot (i.e.: single dwelling / multiple dwelling). All lots identified to be for multiple dwelling lots should have a lot size of at least 600m² and take into account the requirements of sub-clauses (a) and (g) of Clause 11.2.3(2) of the NT Planning Scheme
- Information from the applicant in response to the Road Network Divisions requirements for an assessment to be undertaken in accordance with AS3671-1989 "Road Traffic Noise Intrusion – Building Siting and Construction" with a view to achieving the intent of Clause SA7(3)(i) of the NT Planning Scheme.
- Written confirmation that the Power and Water Corporation has no objection to battleaxe shaped lots being included in the subdivision design.
- An amended plan showing proposed road (carriageway) widths and verge widths.

REASONS FOR THE DECISION

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority "may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application".
2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the

application relates. The proposal has not demonstrated that it can comply with the relevant provisions of the NT Planning Scheme:

- a) Additional information addressing Clause 11.2.2 (Public Open Space) is required as this particular clause has not been addressed in the application, and it has not been demonstrated that a minimum of 10 percent of the subdivision area will be allocated as public open space that is unencumbered by drains and that has sufficient flat area for informal recreation.
 - b) The application did not include a drawing indicating the proposed land use of each lot within the subdivision as required by sub-clause 2 of Specific Use Zone SA7.
 - c) The application does not include details of the noise attenuation properties of the proposed fence and its ability to minimise road traffic noise.
3. 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 the 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'. No special circumstances have been demonstrated in the application for the above identified non-compliances which merits the granting of consent by the authority.
4. 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, infrastructure or land to be provided by the developer for that purpose. The Power and Water Corporation has indicated that (for technical reasons) battleaxe shaped allotments are not allowed in new urban residential subdivisions. The Alice Springs Town Council has indicated that the verge and carriageway widths shown on the submitted drawings do not comply with Councils technical requirements.

ACTION: DAS to prepare letter to applicant advising of deferral

**ITEM 2 DEVELOPMENT – LOT 10016, SUBURB OF MT JOHNS, TOWN OF ALICE SPRINGS
MULTIPLE DWELLINGS (3 X 3 BEDROOM SINGLE STOREY DWELLINGS)
GAVIN KAHL**

Mr Gavin Kahl, Mrs Karen Kahl, Ms Anna Montgomery and Mr Stuart Chalmers attended the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
0025/12 (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 10016, Suburb of Mount Johns, Town of Alice Springs for the purpose of multiple dwellings (3 x 3 bedroom multiple dwellings in 3 x 1 storey buildings), 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 prepared by Zone A Pty Ltd (dated 10/04/2012) but modified to show:
 - (a) reduced amount of solid fencing in the driveway area surrounding Unit 3 (a mixture of perforated steel / visually permeable fencing and landscaping is envisaged) with the objective of increasing opportunities for passive surveillance of the access driveway and entrance to Unit 3.
 - (b) details of surface finishes of pathways, driveways and private open space 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;
 - (d) 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 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. 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. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;

- (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car; and;
- to the satisfaction of the consent authority.

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

6. 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.
7. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
8. 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.
9. 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.
10. 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.
11. 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.
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.

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. 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.
3. 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.

4. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) 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.

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 of a scale, character and architectural style compatible with the streetscape and surrounding development in the Mount Johns locality.
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 and driveway areas are useable, functional and convenient and in accordance with the intent of the clause.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is supported as, upon completion of landscaping, 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 suitable areas of private open space; and
 - the site is located within convenient walking distance to established and proposed areas of public open space within the Mount Johns 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.

- The conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.

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

**ITEM 3 DEVELOPMENT – LOT 7902, 80 COMMONAGE ROAD, SUBURB OF ILPARPA, TOWN OF ALICE SPRINGS
WASTE TRANSFER STATION (RECYCLING DEPOT/UNLISTED USE)
INCLUDING RETAIL, OFFICE AND CARETAKERS RESIDENCE
EKISTICA PTY LTD**

Oliver Fitz-Henry (on behalf of the applicant) attended the meeting.

**RESOLVED
0026/12**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7902, 80 Commonage Road and adjoining road reserve, Suburb of Ilparpa, Town of Alice Springs for the purpose of a Waste Transfer Facility ("recycling depot") including retail, office and caretakers residence to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- Confirmation of Power and Water Corporation support for the proposed development in respect to the impact on existing servicing infrastructure located within the Commonage Road reserve;
- Status of Commonage Road reserve in terms of intended closure or part closure and implications for access to private and public land at the western end of Commonage Road; and
- Landscaping details in response to the objectives and requirements of Clause 5.21(2) (Zone CP – Community Purpose) and Clause 6.12 (Landscaping) of the NT Planning Scheme.

REASONS

- Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority "may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application".
- Pursuant to section 51(m) of the *Planning Act*, the consent authority must consider the potential impact on the existing public infrastructure in the area in on which the land is situated. It is not considered that the application provides an accurate description nor explanation of the impact on existing infrastructure nor sufficiently addresses the question of access to private and publically owned land at the western end of Commonage Road, and the consent authority requests additional information to assist in its determination of the application.

ACTION: DAS to prepare letter to applicant advising of deferral

**ITEM 4 DEVELOPMENT – LOT 7946, 51 PRIEST STREET, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS
HOSTEL FOR SHORT TERM STAFF ACCOMMODATION (11 BEDROOMS AND SHARED FACILITIES IN 4 SINGLE STOREY BUILDINGS) ANCILLARY TO LIGHT INDUSTRY
QUALITY PLUMBING AND BUILDING CONTRACTORS PTY LTD**

Erin Wilson (on behalf of the applicant) attended the meeting and tabled amended drawings.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 7946, 51 Priest Street, Suburb of Ciccone, Town of Alice Springs for the purpose of Hostel and Caretaker's Residence for staff accommodation (12 bedrooms and shared facilities in 4 single storey buildings) ancillary to Light Industry use.
0027/12

REASONS

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.
 - a) The Development Consent Authority must not consent to a proposed development if the proposal is contrary to provisions of the NT Planning Scheme that permit, prohibit or restrict or impose conditions on the use or development of land (Section 52(1)(b) of the *Planning Act*). 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 have been demonstrated in the application or subsequent material submitted by the applicant which justifies the consent authority granting variations to the minimum standard of development set out in Clause 6.5.3 (Parking Layout), Clause 6.6 (Loading Bays), Clause 7.6 (Communal Open Space), Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation), Clause 7.10.3 (Caretaker's Residence) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme (being the performance criteria of the Scheme that the development proposal does not fully comply with).
 - b) The Development Consent Authority must not consent to a proposed development if the proposal is contrary to provisions of the NT Planning Scheme that include statements of policy in respect to the use or development of land (Section 52(1)(a) of the *Planning Act*). A development which would result in a caretaker's residence and a twelve bedroom hostel (combined floor area of both residential uses being 405.23m²) is considered to be inconsistent with the primary purposes of the GI (General Industry) zone, in which the development (subject of this

application) is located.

2. Pursuant to section 51(h) of the Planning Act, the consent authority must take into account the merits of the proposal. The proposals building size (percentage of site area used for accommodation); lack of provision of quality recreational communal open space, reduced landscaping provision; non compliant car parking layout and excessive residential component in a general industry precinct demonstrates that the application lacks merit.
3. The development application is retrospective. The structures have not been approved by a building certifier and may not comply with the statutory requirements of government agencies with respect to health, servicing (power, water, sewer) and fire safety. The Development Consent Authority considers that any other determination of this application would be inappropriate.

ACTION: DAS to prepare Notice of Refusal

**ITEM 5 DEVELOPMENT – LOT 5690, 6 HAYES STREET, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
PROPOSED RELOCATION OF DRIVEWAY – VARIATION TO DP10/0246
JOHN ANDERSON**

Mr John Anderson attended the meeting and tabled amended drawings.

RESOLVED That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary condition precedent 2 and condition 0028/12 2 of DP10/0246 for the purpose of a revised position of the vehicular access (as shown on the drawing tabled by the applicant at the 11/04/2012 DCA meeting) and amendments to fencing details.

ACTION: DAS to prepare Variation of Conditions permit

**ITEM 6 DEVELOPMENT – LOT 7473, 21 HOLTERMANN COURT (UNIT 2), SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS
SHED / GARAGE ADDITION TO EXISTING MULTIPLE DWELLING (UNIT 2) WITH REDUCED BUILDING SETBACKS TO FRONT AND SIDE BOUNDARIES.
SEAN CAMELIN**

Mr Sean Camelin attended the meeting and tabled amended drawings.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse consent to the application to develop Lot 7473, Unit 2, 21 0029/12 Holtermann Court, Suburb of Larapinta, Town of Alice Springs for the purpose of a shed/garage addition to an existing single dwelling for the following reasons:

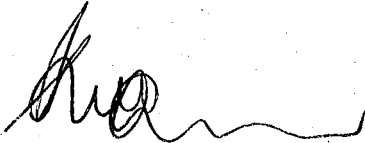
REASONS

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 development does not comply with Clause 6.11 (Garages and Sheds) of the NT Planning Scheme in respect to front and side building setbacks of a shed / garage. The proposal is not considered to achieve the objective of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme as the shed/garage's significantly reduced front and side setbacks will result in an incompatible development set well against the boundaries of the street and adjacent property with significant adverse amenity impacts (from building massing) when viewed from the streetscape and adjoining and nearby land. 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 front and side setback encroachments have been demonstrated in the application or alternate design options presented to the Authority by the applicant, which justifies the consent authority granting variations 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(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 public submission was received about the application. The matters raised in the submission have been noted by the consent authority.
4. 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 shed/garage will affect the visual amenity of the area as, the streetscape has a distinct character with the majority of properties being landscaped and majority freestanding garages/sheds setback at least the minimum 1.5m from the side and 6m from front 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 streetscape in terms of building height and setback distance to front and side 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 boundaries confirms that the proposal is inconsistent with the relevant objectives of the NT Planning Scheme and lacks sufficient merit.

ACTION:

DAS to prepare a Notice of Refusal

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



PETER McQUEEN
Chairman

19/4/2012

