DEVELOPMENT CONSENT AUTHORITY
ALICE SPRINGS DIVISION

MINUTES

MEETING No. 219 – WEDNESDAY 10 MAY 2017

DOUBLETREE BY HILTON
SPINIFEX ROOM
82 BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), David Koch, Alistair Feehan, Jamie de Brenni, Jade Kudrenko

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Fraser Cormack, Julie Driver, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 11:05 am and closed at 11:45
ITEM 1

ALTERATIONS AND ADDITIONS TO EXISTING DWELLING INCLUDING NEW GARAGE, MASTER BEDROOM AND ENTRY WITH REDUCED FRONT SETBACKS

PA2017/0131 LOT 6131, 3 RED SANDS COURT, SUBURB OF DESERT SPRINGS, TOWN OF ALICE SPRINGS

APPLICANT SUsAN DUGDALE AND ASSOCIATES

Miriam Wallace attended the meeting and spoke further to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town council and confirmed written advice that the proposed crossover would need to be redesigned to comply with Council standards.

RESOLVED 0032/17

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the proposed development as altered to develop Lot 6131 (3) Red Sands Court, Suburb of Desert Springs, Town of Alice Springs for the purpose of alterations and additions to existing 2 storey dwelling including new garage, master bedroom and entry with reduced front setbacks, subject to the following conditions:

CONDITIONS PRECEDENT

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 be submitted in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application but modified to comply with the Alice Springs Town Council’s (Council) requirement for a 6m crossover width limit, unless with the written agreement of the Council and the consent authority.

GENERAL CONDITIONS

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

2. The kerb crossover/s and driveway/s 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.

3. Stormwater is to be collected and retained on the site and/or discharged into the drainage network to the technical standards of and 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, in accordance with the authorities requirements and relevant legislation at the time.

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 existing trees to the western side of the approved garage addition, as shown in 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 the 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 additions. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals are obtained 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 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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. 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

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 development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme. Under clause 5.1.2 of the Scheme, "The scale, character and architectural style of infill development (within Zone SD) should be compatible with the streetscape and surrounding development". The approved dwelling additions are expected to be in keeping with the scale, character and varied architectural styles of the locality and compatible with the streetscape and surrounding development.
2. Variations are granted to the primary street setback requirements contained in in clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme are supported for the proposed dwelling additions, as:
   a) the additions have been architecturally designed to provide articulation to the front of the dwelling with the first floor master bedroom and ensuite setback further from the front boundary than the garage and the decorative sunscreen adding visual interest;
   b) the application proposes retention of established trees to the western side of the front addition, which are expected to substantially screen the addition from that side and assist in integrating the additions into the streetscape;
   c) the front addition will provide secure and sheltered parking for the occupants and shade existing parking on adjoining Lot 9130 from the summer afternoon sun;
   d) the additions are designed to provide substantial setbacks to adjoining residential properties and are not expected to have any undue impact on adjoining properties in terms of building massing;
   e) substantial side setbacks and open structures to the rear of the dwelling will assist in maintaining breeze penetration through the property;
   f) the additions are not expected to unduly impact on the established character of the cul-de-sac which includes a mix of one and two storey dwellings with varied building setbacks and architectural styles; and
   g) the application was publicly exhibited in accordance with the Planning Act and no submissions were received.

In accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and conditions are considered cumulatively to constitute special circumstances that justify the granting of the required variations to clause 7.3 of the Scheme.

3. Pursuant to section 51(e) of the Planning Act the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the Planning Act and Regulations and no submissions were received. The Alice Springs Town Council did not make a submission under section 49(3) of the Planning Act.

4. Pursuant to section 51(h) of the Planning Act the consent authority must take into consideration the merits of the proposal as demonstrated in the application.

The application anticipates/contends that the house extension and modification will:
   a) enhance the owners’ use of the house and provide sufficient space for their growing family;
   b) enable their vehicles to be securely housed;
   c) make sense of a number of previous additions to the front of the house;
   d) beautify the house, bring it to a similar aesthetic as its neighbors;
   e) improve the streetscape; and
   f) provide privacy for the occupants.
The proposed additions and alterations are architecturally designed as an orderly extension of the existing dwelling and are expected to offer an improved level of amenity for occupants without any undue impact on the streetscape or the amenity of other properties.

5. Pursuant to section 51(m) of the Planning Act, in considering a development application, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. The Alice Springs Town Council and the Power and Water Corporation have identified their respective requirements in relation to the proposed development and the conditions of approval are expected to assist in ensuring that agency interests are duly recognised.

6. 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 application anticipates that the proposed development will enhance the house and show a level of care and value of the property similar to the surrounding houses improving the streetscape.

The proposed additions are architecturally designed with regard to site conditions and are not expected to detract from the amenity of neighbouring properties or the locality.

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

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**ITEM 2**

**SINGLE DWELLING AND NEW INDEPENDENT UNIT AND ANCILLARY SHED WITH A REDUCED FRONT SETBACK ON LAND LIABLE TO FLOODING**

**LOT 301, 97 GAP ROAD, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS**

**APPLICANT**

**SUSAN DUGDALE AND ASSOCIATES**

Miriam Wallace and Matt Cunningham attended the meeting and spoke in support of the application. Ms Wallace advised that the levels of the site were now known and the floor level for the dwellings would need to be 700mm above the existing ground level.

Submitter Matthew Cann, co-owner of 4 Walker Street, The Gap attended the meeting and spoke further to Jemma Cann’s submission.

**RESOLVED 0033/17**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defers consideration of the application to develop Lot 301 (97) Gap Road, Suburb of The Gap, Town of Alice Springs for the purpose of Single dwelling and new independent unit and ancillary shed with a reduced front setback on land liable to flooding, to require the applicant to provide the following additional documentation and/or information that it considers necessary in order to enable the proper consideration of the application:

1. Plans generally consistent with the plans submitted with the application, but amended and/or supplemented to include:
   a) plans and cross-sections of the site clearly detailing the proposed development of the site, including:
      (i) existing levels of the site established by a suitably qualified
person (normally a licensed land surveyor) and proposed
finished levels for the site (including finished levels for driveways
and parking areas, open space areas and buildings; and
(ii) proposed stormwater drainage details;
(iii) accompanied by written support in principle from the Alice
Springs Town Council; and
b) details of privacy screening designed/selected to minimise the
potential for overlooking into dwellings and private open space areas
on adjoining residential properties.

2. Documentation from a suitably qualified person demonstrating that the
likely effect of filling part of the site (as proposed through plans to be
submitted in response to Point 1(a) above) on the behaviour of flood
water in terms of potential impacts on other properties, including in, but
not necessarily limited to, a 1 percent annual exceedance probability
flood event. A hydrological study and report are envisaged.
Documentation regarding likely flood impacts of the development are not
required to be provided if the design is amended to achieve required floor
level heights for the dwellings without fill, by constructing the dwellings on
piers/columns that will allow flood waters to pass beneath the buildings.

The consent authority:
a) envisages granting consent subject to:
   (i) a suitably amended/refined design that:
      • does not require fill or;
      • is demonstrably (to the satisfaction of the consent authority)
        unlikely to unduly impact on other properties by modifying
        flood water behaviour in a 1 percent annual exceedance probability
        (1%AEP) flood event; and
   (ii) relevant conditions; and
b) notes that its preference for no fill; and (if fill is proposed), limiting fill
to the footprints of the dwellings, thereby minimising the potential for
modifying water behaviour in a 1%AEP flood event.

REASONS

1. The consent authority must take into consideration a range of relevant
considerations under section 51 of the Planning Act. Having considered
the application with regard to a range of relevant matters detailed and
discussed in the Department of Infrastructure, Planning and Logistics
Agenda Report on the application, the consent authority considers the
proposal, in general terms, to have merit.

2. Notwithstanding acknowledged merits of the proposal and service
authority comments demonstrating support in principle (in general terms)
for the development, the consent authority notes that:
   a) the purpose of clause 6.14 (Land Liable to Flooding and Storm
Surge) of the NT Planning Scheme is “to reduce risk to people,
damage to property and costs to the general community caused by
flooding and storm surge”;
   b) clause 6.14.5(c) of the Planning Scheme identifies that the use of fill
in the defined flood area should be avoided;
   c) the site is located within the flood storage area approximately 300m
from the Todd River floodway and is within the defined flood area;
   d) the site abuts properties including residential properties;
   e) the application proposes the use of fill, but does not include details of

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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.
exiting levels of the site or a proper assessment of the likely impacts of the proposed fill and works on flood water behaviour in a 1% AEP event; and
f) depending on existing levels of the site, whether the proposal can reasonably limit risks to the owners and occupants of the site.

3. The consent authority has decided to provide the applicant with the opportunity to:
a) further demonstrate the suitability of the proposal, in particular, that the use of fill as proposed to achieve desired floor levels is unlikely to result in undue off-site impacts and/or risks associated with flooding; or
b) amend the design to ensure no undue privacy impacts on adjoining properties and achieve required floor levels either:
   (i) without the use of fill; or
   (ii) with the use of limited fill, but only if it can be satisfied that the associated risks to other properties in 1 1% AEP flood event are negligible.

ACTION: DAS to prepare letter of deferral.

ITEM 3  EXTENSION OF EXISTING "PLACE OF WORSHIP" AND INSTALLATION OF CREMATOR - VARIATION FOR BUILDING SETBACK TO REAR BOUNDARY
PA2017/0156  LOT 1513, 12 KIDMAN STREET, CUBURB OF CICONE, TOWN OF ALICE SPRINGS
APPLICANT  LYNNETTE ABSALOM

Nick and Lynnette Absalom attended the meeting and spoke further to their application.

Alice Springs Town Council tabled a supplementary comment on the application.

RESOLVED  0034/17
That, the Development Consent Authority varies the requirements of clause 6.5.3.3(b) and 6.5.3.3(j) (Parking Layout) and clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the proposed development as altered to develop Lot 1513 (12) Kidman Street, Suburb of Ciccone, Town of Alice Springs for the purpose extension of existing funeral parlour/place of worship and installation of a cremator for use as part of the funeral parlour/place of worship, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application but modified to:
   a) demonstrably comply with building regulations with respect to parking for persons with a disability; and
   b) omit two plants shown immediately to the eastern side of the reception building.

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

3. Parking areas must be constructed and maintained in accordance with the endorsed plans and clearly delineated, 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 emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority, on the advice of the Department of the Environment and Natural Resources and the Department of Health, respectively.

5. Stormwater is to be collected and retained on the site and/or discharged into the drainage network to the technical standards of and 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, sewerage and electricity facilities, in accordance with the authorities requirements and relevant legislation at the time.

7. 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.

8. Landscaping, as shown in 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 the 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 development and use. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals are obtained before commencing demolition or construction works.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentssouth@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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. 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. The Department of Health has identified the requirement to comply with the *Public and Environmental Health Act*.

6. This development permit does not obviate the requirement for the land owner or developer or operator to comply with any other legislation.

**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. The development is considered to be consistent with the form of development reasonably expected within Zone LI (Light Industry) of the Northern Territory Planning Scheme. The development is of a form and scale considered appropriate to the site and locality.

   a) Variations are granted to the clause 6.5.3.3(b) and 6.5.3.3(j) (Parking Layout) of the NT Planning Scheme to allow the established mix of sealed and gravelled parking areas to be maintained as:
      (i) the additions are not expected to meaningfully alter the intensity of the use of the site or parking requirements or considered to justify a requirement to upgrade the surface treatment of part of the parking area from gravel to an impervious seal; and
      (ii) the proposed one non-compliant parking space, is expected to be functional and the parking provision is expected to significantly exceed requirements at most times.

   b) Variations are granted to the rear setback requirements contained in in clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme are supported for the proposed addition, as:
      (i) the site is located within an industrial area and abutting railway yards;
      (ii) the addition is designed as an orderly extension to the existing building, maintaining the height and alignment of the existing building;
      (iii) no adverse impact on the amenity of any other property, as a result of the reduced setback, is envisaged; and
      (iv) the application was publicly exhibited in accordance with the Planning Act and no submissions were received.

In accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and conditions are considered cumulatively to constitute special circumstances that justify the granting of the required variations to clause 9.1.1 of the Scheme.

2. Pursuant to section 51(e) of the *Planning Act* the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the *Planning Act* and Regulations and no submissions were received. The Alice Springs Town Council did not make a submission under section 49(3) of the *Planning Act*.

3. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal as demonstrated in the application. The proposed addition may be expected to improve the level of service available to the local community for a specialised service.
4. Pursuant to section 51(m) of the Planning Act, in considering a development application, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.

The Alice Springs Town Council and the Power and Water Corporation have identified their respective servicing requirements in relation to the proposed development and the conditions of approval are expected to assist in ensuring that agency interests are duly recognised.

5. 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 development is not expected to detract from the amenity of the locality or neighbouring properties. A condition is included in the development permit, specifying that the use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority, to assist in ensuring that the use is consistent with the LI zone requirements.

6. The consent authority:
   a) noted the Alice Springs Town Council’s supplementary comment dated 10 May 2017 and identifying that the Council was in favour of the proposed use onsite as a Crematorium only, as defined usage in the Australasian Cemeteries and Crematoria Association - Environmental Guidelines for Crematoria and Cremators; and
   b) noted advice from the applicant to the effect that:
      (i) in addition to requirements under the Planning Act, the installation and operation of the cremator is subject compliance with legislation and regulations administered by a number of other agencies, including the Department of Health, Department of the Environment and Natural Resources and Department of Housing and Community Development;
      (ii) the cremator is designed specifically for the purpose of cremation and is not suitable for general incineration purposes; and
      (iii) there is no intention to use the proposed cremator for incineration of hospital waste or any purpose other than cremation.

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

**ITEM 4**
CARPORT AND (UPPER LEVEL) DECK AND SHADE STRUCTURE
ADDITIONS TO AN EXISTING SINGLE DWELLING WITH A REDUCED SIDE SETBACK

**PA 2017/0159**
LOT 5700, 10 GRIFFITHS PLACE, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS

**APPLICANT**
HASAN KARACETE

Hasan Karacete attended the meeting and spoke further on his application.

Submitter Dr Jacob Koshy attended the meeting and spoke further to his submission.

Submitter Dr Jacob Koshy submitted an amended plan that had been given to him by Mr Hasan Karacete and which he had signed as being an acceptable design to him.
RESOLVED 0035/17

That, pursuant to section 46(4)(b) of the Planning Act, defers consideration of the application to develop Lot 5700 (10) Griffiths Place, Suburb of Araluen, Town of Alice Springs for the purpose of carport and first floor deck additions to an existing single dwelling with reduced side setbacks to require the applicant to provide the following additional documentation and/or information that it considers necessary in order to enable the proper consideration of the application:

1. Plans generally consistent with the plans submitted with the application, but amended and/or supplemented to include a revised design (particularly with respect to the first floor) for the additions, including sufficient detail in terms of proposed construction materials, dimensions and other relevant details that will allow a building certifier to assess the proposed additions in terms of applicable building requirements and regulations;

2. Evidence in the form of advice from a registered building certifier to the effect that the proposed (amended) dwelling additions as detailed in the applicant’s proposed response to point 1 above will comply with applicable building requirements and regulations, including fire separation requirements; and

3. Written evidence that the proposed (amended) dwelling additions, as detailed in the applicant’s proposed response to point 1 above are acceptable to the owners of Lot 5718 Griffiths Place, Alice Springs.

REASONS

1. The applicant has indicated and/or advised to the effect that:
   a) that they had thought that the exhibited design for the proposed additions was acceptable to the owners of Lot 5718 Griffiths Place;
   b) following receipt of a written submission from one of the owners of Lot 5718 expressing reservations at the (exhibited) design, they have further consulted with the neighbor/s with a view to achieving a mutually acceptable design; and
   c) they are willing to:
      (i) amend the design to address concerns raised by the neighbor/s in a manner that is acceptable to the neighbours; and
      (ii) provide evidence from a building certifier that the will comply with applicable building requirements and regulations, including fire separation requirements.

2. The consent authority, recognising the submitter’s reservations in relation to the publicly exhibited design and anticipating that that design may have undue impacts on the amenity of the occupants of Lot 5718, noted:
   a) the applicant’s stated intentions;
   b) that the owner of Lot 5718 Griffiths Place (the only public submitter in relation to the application) indicated support for a suitably amended design; and

decided to allow the applicant the opportunity to prepare a suitably amended design for the authority’s consideration.

ACTION: DAS to prepare letter of deferral.

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

DENIS BURKE
Chairman

16/5/2017