MEETING No. 201 – WEDNESDAY 14 OCTOBER 2015

DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Denis Burke, David Koch, Brendan Heenan , Alastair Feehan, Chansey Paech (Alternate Member)

APOLOGIES: Stephen Brown

OFFICERS PRESENT: Peter Somerville, Fraser Cormack, Jennie Ryan, Stephen Brooks

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 10:55 am and closed at 11:20 am
ITEM 1 DEVELOPMENT – CHANGE OF USE FROM MOTEL TO MULTIPLE DWELLINGS (21 X 1 BEDROOM & 9 X 2 BEDROOM SINGLE STOREY DWELLINGS) INCLUDING REFURBISHMENT OF BUILDINGS AND CONSTRUCTION OF PRIVATE AND COMMUNAL OPEN SPACE AREAS
LOTS 662 & 654, 12 SOUTH TERRACE & 6 BREADEN STREET, TOWN OF ALICE SPRINGS
ZONE A PTY LTD

Mr Stuart Chalmers, Mr Pat Black and Mr Terry Weeks attended the meeting.

RESOLVED
0079/15

That, pursuant to section 46(4)(b) of the Planning Act, the Authority defers consideration of the application to develop Lots 654 & 662, 6 Breaden Street & 12 South Terrace, Suburb of The Gap, Town of Alice Springs for the purpose of change of use from motel to multiple dwellings (21 x 1 bedroom and 9 x 2 bedroom single storey dwellings) including refurbishment of buildings and construction of private and communal open space areas, subject to the applicant submitting the following information that the consent authority considers necessary to enable proper consideration of the application:

1. A response to the matters identified in the submission from the Alice Springs Town Council, the response could include amended drawings showing:
   (a) visitor car parking available on site or in the vicinity of the site; as well as
   (b) an assessment against the matters listed in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme.

2. Additional information and/or amended plans addressing or showing how the development achieves the purpose, design objectives and performance criteria of:
   - Clause 6.5.1 (Parking Requirements);
   - Clause 6.12 (Landscaping);
   - Clause 6.14 (Land Subject to Flooding and Storm Surge);
   - Clause 7.1.1 (Residential Density Limitations); and
   - Clause 7.5 (Private Open Space)
   of the NT Planning Scheme or detailed special circumstances and other reasoning why the authority should grant any variation/s to the performance criteria. A reduced dwelling density could be considered.

3. Clarification with regard to how the following matters, which have not been included in the drawings of the subject proposal, are to be addressed:
   - surface treatments to all private open space areas noted on the site plan;
   - elevation/s of the pergola at Unit 30;
   - extent of the roof eaves of dwellings shown on the site plan and floor plans; and
   - Positions of air conditioning units and details of screening identified on the floor plans.

2 of 6

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.
REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the Planning Act, in considering a development application, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the development of the subject site. The required additional information is considered necessary in order for a proper assessment of the development to be undertaken, particularly how the proposal complies with the purpose and performance criteria requirements of:
   - Clause 7.1.1 (Residential Density Limitations);
   - Clause 7.5 (Private Open Space);
   - Clause 6.5.1 (Parking Requirements) and
   - Clause 6.5.2 (Reduction in Parking Requirements).
   of the NT Planning Scheme.

   Pursuant to sub-clause 3 of Clause 2.5 of the NT Planning Scheme, the Development Consent Authority may consent to the development of land that does not meet the standards set out in Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent. Deferral of the proposal will give the applicant opportunity to identify special circumstances to justify the variations sought to the NT Planning Scheme.

2. The application as submitted is not considered to provide sufficient information to enable a full and proper assessment of the application against the matters contained in section 51 of the Planning Act.

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 local authority submission received from the Alice Springs Town Council has identified concerns in relation to the provision of car parking spaces to service the proposed change of use to multiple dwellings. The information sought through the deferral of the application seeks to address the matters identified in the submission.

   ACTION: DAS to prepare a letter to the applicant

ITEM 2

DEVELOPMENT/SUBDIVISION THE PURPOSE OF A UNIT TITLES SCHEME
(3 LOTS COMPRISING OF 2 MULTIPLE DWELLINGS AND A COMMON PROPERTY AREA)
LOT 1802, 33 LARAPINTA DRIVE, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS
ENIGMA PTY LTD

Mr Lester Hamilton attended the meeting.

RESOLVED 0080/15 That, pursuant to section 53(b) of the Planning Act, the Development Consent Authority alters the proposed development and consents to the proposed development as altered to subdivide Lot 1802 (33) Larapinta Drive, Suburb of Gillen, Town of Alice Springs for the purpose of a unit title scheme subdivision to create 2 units and common property, subject to the following conditions:

3 of 6

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CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of subdivision:
   a) car parking, access and fencing to the property is to be reinstated in accordance
      with the site plan numbered PA2013/0063/02 and endorsed as part of
      DP13/0151; and
   b) the unit plan for the proposed subdivision is to be suitably amended to include:
      (i) additional common property (driveway areas for property access and
          egress and vehicle manoeuvring, designed to ensure that vehicles can
          safely and conveniently access and egress the site in a forward gear); and / or
      (ii) a suitable right-of-way easement/s to allow vehicles to use part of the
          adjoining unit for access and vehicle manoeuvres, designed to ensure that
          vehicles can safely and conveniently access and egress the site in a forward
          gear.

This condition precedent is to the satisfaction of the consent authority.

GENERAL CONDITIONS

2. Works carried out under this permit shall be in accordance with the drawing/s
   endorsed as forming part of this permit.

3. Prior to new titles being issued for the units shown on the endorsed drawings, a
   Scheme Statement meeting the requirements of the Unit Title Schemes Act (as
   confirmed by the Land Titles Office) shall be submitted for endorsement by the
   consent authority.

4. Prior to new titles being issued for the units shown on the endorsed drawings,
   confirmation shall be provided to Development Assessment Services (in the
   form of an email addressed to the Power and Water Corporation)
   demonstrating that the Power and Water Corporation has been provided with
   a copy of the survey plan with the new lot numbers. This is for the purpose of
   ensuring the relevant Power and Water Information and Billing System is
   updated. Please provide a copy of an email addressed to both
   landdevelopmentsouth@powerwater.com.au
   and
   powerconnections@powerwater.com.au

5. Prior to new titles being issued for the units shown on the endorsed drawings,
   confirmation shall be provided to Development Assessment Services (in the
   form of an email addressed to the Power and Water Corporation) from a
   suitable qualified professional (being the Licensed Surveyor in most instances)
   confirming that all new UTS number labels have been correctly installed at the
   Customer's Metering Panel(s). Please provide a copy of an email addressed to
   both
   landdevelopmentsouth@powerwater.com.au
   and
   powerconnections@powerwater.com.au

6. Prior to new titles being issued, it shall be confirmed by the consent authority
   that all areas shown on the plans endorsed by the consent authority through
   Development Permit DP13/0151 as amended through any Variation of
   Conditions Permit or Development Permit issued in response to an application
responding to Condition Precedent 1 of this permit, as service authority easements, communal open space, shared driveways and any other shared amenities are shown on the survey plan as Common Property, not including the electricity supply meter, which has been accepted by the Power and Water Corporation in its existing location within proposed Unit 1.

NOTES:

1. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveyandrecords@nt.gov.au 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

2. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

REASONS FOR DECISION

1. Pursuant to section 51(a) of the Planning Act (the Act), in considering a development application the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates. The proposed subdivision for the purposes of a Unit Title Scheme is compliant with the purpose, objectives contained in Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme. It is noted that the present “as constructed” development of the site is not consistent with that endorsed as forming part of Development Permit DP13/0151. Notably, a solid fence, extending to the front (Larapinta Drive) boundary of the property has been constructed between the two ‘proposed unit areas’, whereas the endorsed site plan has a single site access and egress and kerb crossover and is designed in a manner that allows additional area to manoeuvre vehicles and easier access to and egress from the site in a forward gear.

2. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP13/0151.

3. Pursuant to section 51(m) of the Act, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The conditions of approval attached to Development Permit DP13/0151 generally recognise service authority interests in terms of storm water drainage, kerb crossovers and connections to electricity, water and sewerage services. The Power and Water Corporation's (PAWC) requirements (specific to multi metering of the units) are addressed within the conditions of approval and PAWC has advised that it does not require any development conditions to be included on any permit issued. The Department of Transport has identified issues of concern in relation to the safety of site access and egress that cannot be satisfactorily addressed without
the site development being modified to comply with Development Permit DP13/0151 or changes to the development approved by that permit being approved, subject to appropriate conditions, duly reflecting the Department of Transport’s interests as a service authority / controlling agency responsible for Larapinta Drive. Notwithstanding documentation submitted with the application, noting the Department of Transport’s comments in relation to the proposed subdivision and supplementary submissions, the consent authority considers that the removal of a fence between the current driveways and provision of suitable shared manoeuvring area is necessary to reasonably ensure that vehicles are able to safely and conveniently access the site in a forward gear.

4. Pursuant to section 51(p) of the Act, in considering a development application the Development Consent Authority must take into account the public interest. The Department of Transport has identified the potential for adverse safety impacts of the development if vehicles exit the property in reverse gear. The development of the site (including fencing) can be altered to reflect the site plan endorsed under Development Permit DP13/0151, which has already been recognised by the consent authority and the Department of Transport as an acceptable design solution. The consent authority is not satisfied that the parking layout can be satisfactorily modified without removing fencing constructed through the parking area and not approved through Development Permit DP13/0151.

5. Pursuant to section 51(q) of the Act, in considering a development application (for a proposed subdivision on which a building is, or will be situated) the Development Consent Authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building. The site is developed with two dwellings. The application included a statement from a registered building certifier confirming that the subdivision of the land for the purpose of a unit title scheme will not result in non-compliance with the Building Act.

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

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

DENIS BURKE
Chairman

19/10/2015