DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 231 – WEDNESDAY 11 APRIL 2018

DOUBLETREE BY HILTON
SPINIFEX ROOM
82 BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Alistair Feehan, Jamie de Brenni

APOLOGIES: Marli Banks

OFFICERS PRESENT: Benjamin Taylor, Fraser Cormack, Julie Driver, Jennie Ryan, Simon McKee

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:05 am and closed at 10:35 am
ITEM 1 RECONSIDERATION – 3 x 3 BEDROOM MULTIPLE DWELLINGS IN 2 x 1 STOREY BUILDING
PA2018/0051 LOT 10850, 49 BONANNI CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
APPLICANT ZONE A PTY LTD

Development Assessment Services tabled:
- a set of amended plans prepared by the applicant; and
- a letter from the submitter (Australian Property Projects Pty Ltd).

Stuart Chalmers (Zone A Pty Ltd) attended the meeting and spoke further to the application, referencing the revised plans.

RESOLVED 0026/18 That, the Development Consent Authority varies the requirements of clause 6.5.3(3) (Parking Layout) and clause 7(b)(iv) of the SA8 Specific Use Zone provisions under Schedule 1 to the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the development as altered to develop Lot 10850 (49) Bonanni Circuit, Suburb of Ross, Town of Alice Springs for the purpose of 3 x 3 bedroom multiple dwellings in 2 x 1 storey buildings, subject to the following conditions, for the following reasons:

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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the amended plans submitted by the applicant on 10 April 2018 and tabled by Development Assessment Services at the meeting on 11 April 2018, but modified to include details of:

   a) the locations of all air-conditioning condenser units (or evaporative units if applicable) and the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all air-conditioner units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle; and

   b) the relative heights of the finished floor levels for Unit 2 and Unit 3 respectively as well as the height of the screen fencing between those units, in relation to the finished floor levels and the natural ground level, such that the fencing will suitably limit the potential for overlooking between indoor living areas of those two dwellings.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council’s stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council’s system or an alternate approved connection.

3. Prior to the commencement of works, an Erosion and Sediment Control Plan (ESCP) is to be submitted to and approved by the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR). The ESCP should detail methods and treatments for minimising erosion and sediment loss from the site during the construction phase and that all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works. The IECA Best Practice Erosion and Sediment Control Guidelines 2008 may be referred to as a guide to the type of information, detail and data that should be included in an ESCP. Information regarding erosion and sediment control and ESCP content is available at www.austieca.com.au and the NT Government website: https://nt.gov.au/environment/soil-land-vegetation. The ESCP should be emailed for assessment to: DevelopmentAssessment.DENR@nt.gov.au.

The consent authority further encourages the applicant/owner to consider retaining the existing Eucalyptus tree located near the south-eastern boundary of the site.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority c/o Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

GENERAL CONDITIONS

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

5. All works relating to this permit are to be undertaken in accordance with the approved Erosion and Sediment Control Plan (ESCP) to the requirements of the Consent Authority on the advice of the Department of Environment and Natural Resources (DENR).

6. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority (NTEPA), to the satisfaction of the consent authority.

7. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.

8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. The owner shall remove disused vehicle and/or pedestrian crossovers and undertake reinstatement works to the technical requirements of, and at no
cost to the Alice Springs Town Council. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities’ requirements and relevant legislation at the time.

10. 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.

11. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

12. 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) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au.

13. 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. This condition is to the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.

14. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscape plan must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, in accordance with the endorsed plans, to the satisfaction of the consent authority.

15. 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.

16. Before the use/occupation of the approved 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; and
   e) line marked or delineated to indicate each car parking space and all access lanes;
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.

f) to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.

17. All air conditioning units and condensers (including any required to be added or replaced in the future) 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.

NOTES:

1. A “Permit to Work Within a Road Reserve” is required from the Alice Springs Town Council, before commencement of any work within a road reserve.

2. 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.

3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 (surveylandrecords@nt.gov.au).

4. 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.

5. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html

6. 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.

7. Lot 10850 is located within the Soil Conservation and Land Utilisation Act Declared Erosion Hazard Area. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.
8. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.

9. This development permit does not grant "building approval" for the proposed structures. The National Construction Code 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.

10. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS

1. Pursuant to section 51(a) of the Planning Act, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The site is vacant and is one of two designated multiple dwelling lots within a recently established greenfield subdivision (South Edge/Bonanni Circuit). The proposed multiple dwelling development is of a scale and form that may be reasonably be expected within the context of applicable performance criteria contained in the NT Planning Scheme, including criteria relating to the SA8 (Specific Use) zone, subject to the conditions of approval.

2. The consent authority grants:
   a) a variation to clause 6.5.3(3)(i) (Parking Layout) of the Planning Scheme with respect to minimum driveway width, as:
      (i) the shape, dimensions and size of the lot in conjunction with easements affecting part of the site constrain design options;
      (ii) the layout is expected to be functional and to allow vehicles to conveniently enter and exit all parking spaces and to enter the site in a forward gear; and
      (iii) there is a limited number of units and parking spaces and a small amount of vehicle traffic is expected; and
   b) variations to clause 7(b)(iv) of the SA8 Specific Use Zone provisions under Schedule 1 to the Planning Scheme, with respect to setbacks for verandahs, as:
      (i) The shape, dimensions and size of the lot in conjunction with easements affecting part of the site, constrain design options;
      (ii) The proposed minimum setback distances for the non-compliant roof eaves (other than for the verandah roofs) are only marginally less than the standard minimum setback requirements;
      (iii) The proposed verandahs provide sheltered/shaded areas which are directly accessible from indoor living areas, are integral to the outdoor private open space and may be expected to enhance the amenity of the proposed dwellings for residents; and
(iv) The development is not expected to frustrate the objective or purpose of the applicable development provisions on account of the reduced setbacks; and

(v) The granting of variations as required for the proposed design is not expected to have any discernible adverse impact on the amenity of any adjoining property or streetscape on account of the reduced setbacks.

The consent authority, in accordance with clause 2.5.4 and the SA8 Zone provisions of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted, despite non-compliance with clause 6.5.3 and the SA8 Zone provisions of the Scheme respectively and that the development of the site as proposed, with suitable revisions as required/facilitated through the conditions of approval, is not expected to frustrate any objective of the Planning Scheme on account of the variations granted.

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. One public submission and two supplementary submissions were received and were duly considered by the consent authority. No local authority submissions under section 49(3) of the Act were received in relation to the application.

4. Pursuant to section 51(h) of the Planning Act, the consent authority must take into consideration the merits of the proposal. The proposed development is expected to:
   a) be compatible with existing and future development within the ‘South Edge/Bonanni Circuit’ subdivision;
   b) contribute to the range of housing available in Alice Springs; and
   c) offer residents a good level of amenity.

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 and the proposed development, subject to the receipt of suitably amended drawings, is not expected to unduly impact on the amenity of adjoining properties or the locality.

6. 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. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.

7. The conditions of approval are expected to assist in reasonably ensuring:
   a) the orderly development of the site;
   b) due recognition of service authority interests;
   c) a satisfactory level of amenity for future occupants of the dwellings; and
   d) no material impact on the amenity of adjoining properties or the locality.

**ACTION:** DAS to prepare a Notice of Consent and Development Permit
ITEM 2  GARAGE / SHED ADDITION WITH REDUCED SIDE SETBACK  
PA2018/0105  LOT 8985, 75 RAGONESI ROAD, SUBURB OF ROSS, TOWN OF ALICE SPRINGS  
APPLICANT  SEAN & KAREN HEENAN

Sean Heenan attended the meeting and spoke further to the application.

RESOLVED 0027/18

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 8985, 75 Ragonesi Road, Suburb of Ross, Town of Alice Springs for the purpose of a shed/garage with a reduced side setback, subject to the following conditions:

GENERAL CONDITIONS

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

2. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of, and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.

3. Before the use commences, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Service.

NOTES:

1. This development permit does not grant "building approval" for the structure. The National Construction Code 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.

2. The use of the shed/garage must be in accordance with the requirements of the NT Planning Scheme to the satisfaction of the consent authority.

3. 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.

4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section...
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5. Lot 8985, Town of Alice Springs is located within the Soil Conservation and Land Utilisation Act “Declared Erosion Hazard Area”. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.

REASONS

1. Pursuant to section 51(a) of the Planning Act, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the purpose of Zone RL (Rural Living) of the NT Planning Scheme which is to provide for low-density rural living and a range of rural land uses.

2. A variation is granted to the side boundary setback requirement of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme for a shed/garage as:
   - The structure has been positioned to maximise existing private open space and landscaped areas on the site and avoids encroachment onto the established driveways within the property;
   - The documentation included with the application included a letter from the owner of Lot 8984 (affected side neighbour) advising of no objections to the proposal;
   - The shed/garage design and intended use is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme;
   - The location of the shed/garage on the subject site is reasonably level, located outside of the 1% AEP modelled flood extent, will not result in loss of established landscaping;
   - No adverse effects of building massing are anticipated as dwellings on the abutting properties are not located within close proximity and the structure will be partially screened by landscaping and fencing;
   - The allotment is relatively narrow compared to its depth;
   - The floor area, height and gable roof pitch of the structure is compatible the design of other garages and sheds within the Ragonesi Road locality;
   - No overlooking or overshadowing issues affecting adjacent or nearby land are evident on account of the reduced side setback; and
   - The shed/garage is generally of an appropriate design and scale for the site and streetscape and the application advises the intended use of the building will be for storage of private vehicles and other domestic items (gardening equipment etc).

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

3. Pursuant to section 51(h) of the Planning Act, the Development Consent Authority must, in considering a development application, take into
account the merits of the proposal. The application included a letter from the owner of Lot 8984 (affected side neighbour) advising of no objections to the proposal. The shed/garage will be finished in selected Colorbond® steel finishes to blend with the existing buildings and established landscaping on the land.

4. Pursuant to section 51(j) of the Planning Act, the Development Consent Authority must, in considering a development application, take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The subject site has been developed and occupied for rural residential purposes for >30 years. Current mapping indicates the location of the shed/garage on the site is not liable to inundation in a 1% AEP Defined Flood Event.

Comments received from the Department of Environment and Natural Resources have requested a condition be included on a development permit with respect to suitable erosion and sediment control measures to be implemented throughout the construction phase of the development. An inspection of the site during the assessment of the application revealed that the shed/garage has already been built. An advisory note with respect to the land owner’s obligations under the Soil Conservation and Land Utilisation Act has been included with respect to the ongoing use of the site.

5. Pursuant to section 51(m) of the Planning Act, in considering a development application the consent authority is required to 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:
   a) The drawings submitted with the application do not show any plumbing or electrical fixtures included for the scope of works for the building. An advisory note for the developer to contact the Power and Water Corporation is included within the permit, should reticulated water and electricity services need to be connected to the shed/garage. Reticulated sewerage services are not available to the site.; and
   b) The Alice Springs Town Council (ASTC) advised all storm water runoff is to be contained within the site or discharged to the Council storm water drainage system. An inspection of the site during the assessment of the application revealed that rainwater tanks have been installed to each end of the shed/garage. A standard ASTC condition is included on the permit to assist in ensuring storm water drainage arrangements associated with the shed/garage:
      - meet Council’s technical requirements; as well as
      - demonstrate that erosion risk within the development site and to adjoining land will be effectively managed.

6. The application was subject to neighbour notification in accordance with the requirements of the Planning Act and Planning Regulations. No public or local authority submissions were received during the exhibition period.

**ACTION:** DAS to prepare a Notice of Consent and Development Permit
ITEM 3  ALTERATIONS AND ADDITIONS TO 4 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 2 STOREY BUILDING AND CONSTRUCTION OF AN ADDITIONAL 6 MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS IN TWO STAGES

PA2018/0106  LOT 6718, 4 TAYLOR STREET, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS

APPLICANT  SUSAN DUGDALE & ASSOCIATES

Mr Phil Danby (representing the land owner) and Mr Flynn Carr from Susan Dugdale & Associates attended the meeting and spoke further to the application.

Flynn Carr tabled an updated site plan.

RESOLVED 0028/18

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lots 6718, 4 Taylor Street, Suburb of Araluen, Town of Alice Springs for the purpose of alterations and additions to 4 x 2 bedroom multiple dwellings in 1 x 2 storey building and construction of an additional 6 multiple dwellings in 2 x 1 storey buildings in two stages in order to provide the applicant with the opportunity to prepare and submit amended plans that better comply with relevant performance criteria of the NT Planning Scheme.

The Development Consent Authority (DCA), noted that it refused to approve the proposed development in accordance with either:
1) the development plans publicly exhibited; or
2) the plans subsequently submitted on 06/04/2018 and 11/04/2018.

The DCA was not satisfied that:
(i) the proposed development would reasonably ensure a satisfactory level of amenity for occupants of the proposed dwellings; or
(ii) the proposed parking layouts would allow convenient access to and from each parking space; or
(iii) that special circumstances exist and/or have been demonstrated that justify the required/requested variations to:
- Clause 6.5.1 (Parking Requirements);
- Clause 6.5.3 (Parking Layout);
- Clause 7.1.1 (Residential Density Limitations);
- Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures);
- Clause 7.5 (Private Open Space); and
- Clause 7.6 (Communal Open Space) respectively.

Further, the DCA noted that the Alice Springs Town Council, in its capacity as a service authority, has recommended that any calculated shortage in car parking should be addressed, with a view to avoiding on street parking.

The DCA indicated that it may be able to support a suitably amended single storey design, including 1 and 2 bedroom dwellings, provided that dwelling density did not exceed 1 dwelling per 300m², subject to suitable design responses to all other performance criteria of the Planning Scheme; The DCA further noted a range of constraints and circumstances relevant to the site, including, but not limited to:
(i) its proximity to Larapinta Drive (which is not suitable for street parking);
(ii) the design and location of the existing building (containing 4 multiple dwellings) on the site;
which considerations meant that a development at a higher density than 1 single storey dwelling per 300m$^2$ would likely include variations to performance criteria that cumulatively or individually may not be justified in terms of sub-clause 3 of Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme.

**ACTION:** Development Assessment Services to prepare letter of deferral

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

Suzanne  
Philip  
2018.04.18  
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SUZANNE PHILIP  
Chair  
18 April 2018