



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 191 – WEDNESDAY 10 DECEMBER 2014

**DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Denis Burke, David Koch, Steve Brown and Alistair Feehan

APOLOGIES: Brendan Heenan

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack and Kirra Cox

COUNCIL REPRESENTATIVE: Steve Baloban

Meeting opened at 10.45 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 – VERANDAH AND SHED ADDITIONS TO SINGLE DWELLING
WITH REDUCED SIDE SETBACK
LOT 5280, 63 PLUMBAGO CRESCENT, SUBURB OF SADADEEN, TOWN OF ALICE
SPRINGS
ROBERT ARKEY**

Development Assessment Services provided the Development Consent Authority members with an amended site plan submitted by the applicant on 9 December 2014.

Ms Linda Davies attended the meeting in support of the application and noted that the shed door will be located on the western side wall. Lesley Jury (submitter) attended.

**RESOLVED
0091/14**

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 5280 (63) Plumbago Crescent, Suburb of Sadadeen, Town of Alice Springs, for the purpose of a verandah addition to an existing single dwelling, in accordance with the plans submitted with the application, as amended through a site plan submitted on 9 December 2014 subject to the following conditions:

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 height of the shed must not exceed 2.5metres above the existing ground level and any opening to the shed must be setback a minimum of 1.5metres from the eastern side boundary of Lot 5280, to the satisfaction of the authority.
3. Stormwater is to be retained on the site or 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.

NOTES

1. This development permit does not grant "building approval" for the proposed structures. 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.
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. Telstra advises that the developer is required 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.
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 FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The 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.

A variation to the side building setback requirements contained in clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme (with respect to the eastern side boundary) as:

- a) the footprint of the existing dwelling and established landscaping constrain options for other suitable locations for the verandah;
- b) the proposed verandah:
 - (i) will be screened by a 2.1m high solid metal fence;
 - (ii) will be located immediately to the eastern side of the dwelling, allowing the dwelling to shield it from the summer afternoon sun;
 - (iii) is designed as an orderly extension to the existing dwelling, will replace a shade cloth covered pergola and is expected to be compatible with the streetscape and surrounding development;
 - (iv) is not expected to have any adverse effects in terms of building massing when viewed from adjoining land or the street;
 - (v) will maximise use of private open space;
 - (vi) is not expected to contribute to overlooking of adjoining Lot 5281; and
 - (vii) is expected to facilitate breeze penetration; and
- c) the roof is expected to be the most visually prominent component of the verandah structure, and is only 0.1m less than the standard minimum setback distance from the side boundary; and
- d) the verandah will be compatible with the design (height, roof pitch, height, building line and materials) of the existing dwelling on the site and other developments within the Plumbago Crescent locality and is not expected to result in any loss of amenity or negative impact on surrounding properties on account of the reduced side setback.

These circumstances are considered worthy of the granting of the required variation to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme and the objectives of the clause have been assessed as being met.

2. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed verandah is not expected to have any significant impact on the amenity of any adjoining property or the area in which the land is situated.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development 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 written submission was received from the owner of adjoining Lot 5281 Plumbago Crescent, expressing concerns at potential drainage related impacts and potential visual amenity impacts. The proposed verandah is expected to be substantially screened from adjoining Lot 5281 by existing 2.1m high solid metal fencing and is not expected to result in any significant visual amenity impacts on Lot 5281. A standard permit condition in relation to stormwater drainage is expected to assist in ensuring that stormwater is appropriately managed. The proposed shed will comply with the NT Planning Scheme, provided that its height does not exceed 2.5metres and there are no openings less than 1.5metres from the eastern side boundary and that the maximum height does not exceed 2.5m above existing ground level. Condition 2 may be expected to ensure that the shed shown on the plans complies with the Planning Scheme. The Alice Springs Town Council did not make a submission under section 49(3) of the *Planning Act*.

4. Pursuant to section 51(m) of the *Planning Act*, 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.
 - a) The Alice Springs Town Council (Council) has requested development permit conditions relating to stormwater management and site access. The application does not propose any changes to the site access and a condition relating to access is not considered to be relevant. The application identifies that stormwater will be directed to the street and standard stormwater drainage condition is included in the permit to ensure that if stormwater is directed to the drainage network, Council's interests will be duly recognised).
 - b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and does not require any permit conditions relating to PAWC interests. A standard note regarding works is expected to duly recognise PAWC's interests with respect to the proposed development.

ACTION:

Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – SUBDIVISION AND CONSOLIDATION TO CREATE TWO LOTS
 LOTS 9111 & 9114, 38 & 44 TMARA MARA CIRCUIT, SUBURB OF ARALUEN,
 TOWN OF ALICE SPRINGS
 NANNETTE HELDER**

Ms Nannette Helder attended the meeting.

**RESOLVED
0092/14**

That, the Development Consent Authority vary the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lots 9111 & 9114, 38 & 44 Tmara Mara Circuit, Suburb of Araluen, Town of Alice Springs for the purpose of subdivision and consolidation to create two lots (in two stages), subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage and electricity services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the subdivision are available from Department of Land Resource Management.
4. 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.
5. 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 developer is required 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

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must, in considering a development application take into account the planning scheme that applies to the land to which the application relates.
 - The proposed subdivision and consolidation will result in two parcels of land that will continue to meet the minimum lot size of 800m² for SD (Single Dwelling Residential) zoned land, required by Clause 11.1.1 (Minimum Lot Sizes) of the NT Planning Scheme and will not have any detrimental impact on the amenity of the locality or adjoining residential properties.
 - The variations to sub-clauses 2(b) and 2(c) of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the NT Planning Scheme are granted as:
 - Due to the location of the existing driveway and access easement, topography of the site, cultural constraints and servicing (electricity and water supply) requirements there is no other alternative allotment configuration suitable for servicing purposes.
 - The application is for the purposes of a boundary realignment rather than a greenfield subdivision;
 - The subdivision layout is consistent with the lot sizes and building envelopes that were endorsed as part of Development Permit DP98/0306.
2. 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 to be provided to the developer for that purpose. The Power and Water Corporation has identified that reticulated electricity, water and sewer services are available to the site. Conditions attached to the Development Permit will duly recognise the interests of service authorities in terms of reticulated services and the allotment configuration will facilitate compliance with Power and Water Corporation requirements..
3. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and *Planning Regulations*, no adverse public or service authority submissions were received.

ACTION: Notice of Consent and Development Permit

ITEM 3

**DEVELOPMENT – VARIATION TO CONDITION 1 OF DP06/0050 TO ALLOW CHANGES TO UPSTAIRS AREA
LOTS 5174 & 5175, 58 & 60 TODD STREET, TOWN OF ALICE SPRINGS
CHRISTOPHER WILKINSON**

Mr Christopher Wilkinson attended the meeting.

**RESOLVED
0093/14**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary conditions 1, 4 and 5 of Stage 1 of Development Permit DP06/0050 for the purpose addition of shade structures, decking, bar (service area) sound insulation to upstairs area and stairway lift (for disabled persons), subject to the following conditions:

CONDITIONS:

Stage 1

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The restaurant use (alfresco dining and ancillary outdoor entertainment) approved through DP06/0050 and this permit shall be limited to the area designated on the drawings endorsed as forming part of this permit.
2. The outdoor entertainment use of the area described in condition 1 of this permit as it relates to Stage 1 shall:
 - remain ancillary to the approved restaurant use; and
 - be managed such that the use does not cause any significant loss of amenity of occupants or guests of other properties in the locality through the emission of noise, vibration or artificial light.This condition is to the satisfaction of the Development Consent Authority.
3. The restaurant use of the area described in condition 1 of this permit as it relates to Stage 1 shall be limited to the hours of 5.00pm until 7.00am. In the event that the owner of the land or the operator of the restaurant wishes to obtain consent to operate the restaurant between the hours of 7.00am and 5.00pm, consent of the Development Consent Authority is required and the Authority will review parking requirements and determine whether car parking spaces (or a monetary contribution to the Alice Springs Town Council, in lieu of a calculated shortfall) is required to be provided.

Stage 2

1. Stage 2 works carried out under this permit shall be in accordance with the Stage 2 drawings numbered PA06/0101/1 and PA06/0101/2 endorsed as forming part of DP06/0050.
2. The outdoor entertainment use shall:
 - remain ancillary to the approved restaurant use; and
 - be managed such that the use does not cause any significant loss of amenity of occupants or guests of other properties in the locality through the emission of noise, vibration or artificial light.This condition is to the satisfaction of the Development Consent Authority.
3. The restaurant use of the area described in condition 1 of this permit as it relates to Stage 2 shall be limited to the hours of 5.00pm until 7.00am. In the event that the owner of the land or the operator of the restaurant wishes to obtain consent to operate the restaurant between the hours of 7.00am and 5.00pm, consent of the

Development Consent Authority is required and the Authority will review parking requirements and determine whether car parking spaces (or a monetary contribution to the Alice Springs Town Council, in lieu of a calculated shortfall) is required to be provided.

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/s.
2. The owner of the land or the operator of the premises shall ensure that dignified access to the development/use is provided for persons with a disability. Due consideration should be given to the standards and guidelines given by the Australian Human Rights Commission: <http://www.humanrights.gov.au/our-work/disability-rights/disability-standards-and-guidelines>
3. 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.
4. 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.
5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

ACTION: Variation of Conditions permit

ITEM 4 RECONSIDERATION - 10 x 3 MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS LOT 8203, 27 HEAD STREET, SUBURB OF BRAITLING, TOWN OF ALICE SPRINGS MARK BROWNLESS & MICHAEL TRULL

Mr Mark Brownless and Michael Trull attended the meeting.

RESOLVED That the Development Consent Authority varies the requirements of clause 6.5.3 (Parking Layout), clause 7.3 (Building Setbacks of Residential Buildings) and clause 7.3.2 (Distance Between Residential Buildings on One Site) 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 8203 (27) Head Street, Suburb of Braitling, Town of Alice Springs, for the purpose of multiple dwellings (construct 9 x 3-bedroom dwellings in 9 x single storey buildings), subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation):
 - a) 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 provided in Adobe PDF format. The plans must be generally in accordance with the amended plans submitted on 2 December 2014, but modified to show:
 - (i) a mix of solid and 'open' style fencing adjacent to the Head Street boundary. As a minimum, the sliding gate and part of the immediately adjacent fencing must be 'open style'. The fencing should be designed with a view to providing privacy, security and passive surveillance opportunities, limiting the potential for visual massing and further assisting in integrating the development into the streetscape;
 - (ii) Boundary fencing details for private open space areas noted on the site plan (building materials and heights above ground level); and
 - (iii) All external finishes of the dwellings, including colours.
2. Prior to commencement of works (including site preparation) either:
 - a) documentation must be submitted to the consent authority demonstrating that the Public Transport Division of the Department of Transport is satisfied with undertakings by the developer in relation to traffic management for the duration of the construction phase of the development and does not require a 'Traffic Management Plan' to be endorsed as part of the development permit; or
 - b) a 'Traffic Management Plan' for the construction phase of the development must be prepared by the applicant and submitted to the consent authority for endorsement as part of this development permit. Endorsement of a Traffic Management Plan is at the discretion of the consent authority, however, the plan must be developed in consultation with Department of Transport, and include specific measures to limit interruption to existing public transport services (public and school bus routes) within the vicinity of the development site.

GENERAL CONDITIONS

3. The works carried out under this permit must be in accordance with the drawings endorsed as forming part of this permit, to the satisfaction of the consent authority. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
6. 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 plans in accordance with the authorities'

requirements and relevant legislation at the time.

7. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view (this could include being wholly below the level of the top of the privacy fencing), 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.
8. Before the use or occupation of the approved dwellings 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; and
 - (d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
9. 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.
10. The kerb crossover and driveway 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.
11. Stormwater 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.
12. Before the use/occupation of the dwellings starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
13. 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.
14. Traffic management for the construction phase of the development must be implemented in accordance with an arrangement endorsed in response to condition precedent 2, to the satisfaction of the consent authority.

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 reserves (Head Street and rear laneway).
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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. 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.
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. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the NT Planning Scheme (the Planning Scheme). The primary purpose of Zone MD (Multiple Dwelling Residential) is to provide for a range of housing options to a maximum of two storeys above ground level. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. The proposed development is expected to meet the intent of the purpose statement. The proposed development is expected to assist in the provision of a range of housing options and is considered to be of a scale and form that is expected to be compatible with the established development in the immediate locality and streetscape, subject to the provision of some 'open' style fencing to the front boundary.

Clause 2.5.3 of the Planning Scheme allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent.

- a) Variations to sub-clause 6.5.3.3(g) and 6.5.3.3(j) of the Planning Scheme of the

NT Planning Scheme are supported, as:

- (i) the proposed parking layout is expected to allow convenient access and egress for all parking spaces; and
 - (ii) to have no adverse impact on the streetscape.
- b) Variations to clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme for primary street and side boundary building setbacks are supported, subject to the front fencing being amended to include some 'open' type fencing adjacent to the central driveway area, as:
- (i) the front dwellings will have stepped setbacks to the Head Street boundary and are predominantly compliant with front setbacks, limiting the potential for perceived building massing;
 - (ii) the frontage to both streets includes a substantial central driveway area, further limiting the potential for any 'massing' effect;
 - (iii) the proposed dwelling setbacks from the Head Street carriageway to are commensurate with setbacks from the carriageway to a number of dwellings on the northern side of Head Street in the immediate locality;
 - (iv) the non-compliant component of the dwellings with respect to side setback requirements relates to 2.4m high blockwork garden sheds each with a floor area of 2.55m² attached to the end of each dwelling;
 - (v) the development is single storey and adjacent Lot 673 to the eastern of the site and Lot 1207 to the western side of the site will be screened with solid fencing (to a height of 1.95m;
 - (vi) the design is expected to accommodate some breeze penetration through and between dwellings; and
 - (vii) inclusion of some 'open' type fencing adjacent to the central driveway area, is expected to further limiting the potential for any 'massing' effect on the streetscape.
- c) Variations to clause 7.3.2 (Distance Between Residential Buildings on One Site) are supported as the design is expected to:
- (i) offer occupants of the dwellings and adjoining properties a high level of visual privacy; and
 - (ii) facilitate some breeze penetration through and between dwellings; and
 - (iii) provide private open space areas for each dwelling that effectively integrate indoor and outdoor living areas and are suitable for year round use.

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 to justify the granting of required variations to clause 6.5.3, clause 7.3 and clause 7.3.2 of the Planning Scheme, respectively.

2. 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*. Three submissions, (including 1 authorised and 2 anonymous submissions) were received when the original application was publicly exhibited. The amended application was referred to the known submitter, who advised that they did not intend making a submission in relation to the amended design received on 2 December 2014. The local authority did not make a submission under section 49(3) of the *Act*.

3. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal is expected to benefit the local community through the provision of additional residential accommodation. The proposed design provides good solar orientation to minimise exposure to the summer afternoon sun and optimise winter solar access to indoor living areas and is expected to offer occupants a high level of visual privacy from adjoining dwellings. The application proposes retention of a number of established trees to the front of the site, which is expected to assist in integrating the development into the streetscape.
4. Pursuant to section 51(m) of the *Planning Act*, 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.
 - c) The Alice Springs Town Council (Council) has requested development permit conditions relating to stormwater management and site access. The permit conditions are expected to assist in ensuring that stormwater is appropriately managed and that site access and egress is constructed in a manner that complies with relevant standards.
 - d) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development, subject to compliance with applicable standards and requirements. The permit conditions and note are expected to assist in ensuring that PAWC's interests with respect to the proposed development are duly recognised.
 - e) The Department of Transport (DoT) has advised that it requires development conditions to limit impacts on bus flows in Head Street. A condition precedent and condition relating to this matter are considered appropriate, to assist in ensuring that potential impacts on public bus movements are limited.
5. Condition 5 is included to ensure that any easements and services required for the multiple dwellings development are identified and provided as part of the approved development, providing an opportunity for service authorities to identify, and the developer to meet relevant servicing requirements and obviating the need to provide further servicing and/or easements as part of any future application to subdivide the land for the purpose of a unit titles scheme.
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 proposed development, as approved, is not expected to unduly impact on the amenity of adjoining properties or the locality.

ACTION:

Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

15/12/2014

