



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 139 – WEDNESDAY 9 FEBRUARY 2011

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

MEMBERS PRESENT: Peter McQueen (Chairman), Brendan Heenan, John McBride and Libby Prell

APOLOGIES: Sandy Taylor

OFFICERS PRESENT: Peter Somerville, Sally Cunningham, Ben Taylor and Melissa Pascual (minutes)

COUNCIL REPRESENTATIVE: Mark Pierson

Meeting opened at 9:45am and closed at 10:35am

THE MINUTES OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1 DEVELOPMENT – LOT 9871 ,130 STEPHENS ROAD, SUBURB OF MOUNT
 JOHNS, TOWN OF ALICE SPRINGS
 SUBDIVISION OF ONE LOT (1) TO CREATE FORTY SIX (46) LOTS
 LAE NOMINEES PTY LTD AS TRUSTEE FOR THE LAE CHARITABLE TRUST**

Darryl Pearce and Jerry Orloff attended the meeting.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Authority grant consent to
0006/11 the application to develop Lot 9871, 130 Stephens Road, Suburb of Mount
 Johns, Town of Alice Springs for the purpose of subdivision of one (1) lot to
 create forty six (46) lots, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
2. 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.
3. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Alice Springs Town Council and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
6. Landscaping and development of open space and streets/roads shall be designed and constructed to the requirements of the Alice Springs Town Council and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority and all approved works constructed at the owners expense.
7. Storm water is to be collected and discharged into the drainage network, in

accordance with the technical standards of and at no cost to the Alice Springs Town Council and/or the Department of Lands and Planning to the satisfaction of the consent authority. Where appropriate the stormwater drainage network shall incorporate Water Sensitive Urban Design (WSUD) in accordance with the requirements, and to the satisfaction, of the Alice Springs Town Council and/or the Department of Lands and Planning as the case may be, to the satisfaction of the consent authority.

8. The Stephens Road frontage is to be appropriately treated, in accordance with Department of Lands and Planning (Road Network Division's) standards and requirements to deter unauthorised vehicular and/or pedestrian movement.
9. Before the issue of titles, 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.
10. All unsuitable soils within the residential component of the subdivision must be removed and replaced with appropriate soil type(s), with all excavation and/ or filling to be designed, supervised and certified on completion by a practising and registered Civil Engineer, confirming that the land is suitable for the intended residential use and development, in accordance with Australian Standard AS3798: Guidelines on earthworks for commercial and residential developments, to the satisfaction the consent authority.
11. The developer shall have carried out, as part of subdivisional works, and in accordance with AS3671-1989, Acoustics - Road Traffic Noise Intrusion - Building Siting and Construction, an assessment by a suitably qualified person of the developments present and predicted future exposure to road traffic noise levels, and where required provide appropriate noise attenuation measures to the satisfaction of the Authority. All noise attenuation works deemed necessary shall be carried out by and at the full cost of the developer and shall be wholly contained (including foundations) within the subject lot.

NOTES:

1. Professional advice regarding implementation of soil erosion control measures to be employed throughout the construction phase of the development is available from Natural Resource Management Division, Department of Natural Resources, Environment, the Arts and Sport.
2. A 'Permit to Work Within a Road Reserve' is required from the Alice Springs Town Council and/or the Department of Lands and Planning as the case may be for any works within the adjacent road reserves.
3. No additional access will be permitted from Stephens Road other than the proposed access shown on the endorsed drawings.
4. The permit holder is advised that it is an offence to disturb or destroy prescribed archaeological places without consent under the Heritage

Conservation Act. Should any heritage or archaeological material be discovered during the clearing operation, cease operation and please phone Heritage Conservation Services of the Department of Natural Resources, Environment, The Arts and Sport.

5. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Natural Resources, Environment, The Arts and Sport.
6. 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.
7. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentnorth@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.
8. Water Sensitive Urban Design (WSUD) and stormwater drainage design specifications should be submitted to the Medical Entomology Branch of Department of Health and Families for assessment so as to ensure the appropriateness of the designs to limit biting insect breeding sites.

REASONS FOR THE DECISION

1. The proposed subdivision is consistent with the purpose of Zone FD (Future Development) of the NT Planning Scheme.
2. The conditions of approval are expected to reasonably ensure that the subdivision is developed to a suitable standard and that service authority interests are duly recognised.
3. The proposed subdivision is consistent with the following requirements of the NT Planning Scheme:
 - clause 11.1.1 (Minimum Lot Sizes and Requirements), the purpose of which is to ensure that lots in Zone FD will be of a size capable of accommodating potential future uses;;
 - clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions), the purpose of which is to ensure subdivisions contain lots of a size, configuration and orientation suitable for residential purposes; and
4. The requirement for a suitably qualified engineer to design, supervise and certify works and any replacement of unsuitable soils will ensure that the site is made suitable for the intended use and development for residential purposes, in accordance with the requirements of the relevant Australian Standard/s.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

ITEM 2

**DEVELOPMENT – LOT 4465, 32 WILKINSON STREET, SUBURB OF
CICCONE, TOWN OF ALICE SPRINGS
ALTERATIONS AND ADDITIONS TO EXISTING EMERGENCY SERVICES
FACILITY (UNLISTED USE)
DEPARTMENT OF CONSTRUCTION AND INFRASTRUCTURE**

Bob Taylor (Department of Construction and Infrastructure) and Clare Barker (Northern Territory Police, Fire and Emergency Services) attended the meeting.

**RESOLVED
0007/11**

That, the Development Consent Authority vary the requirements of Clauses 6.5.3 (Parking Layout) and 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the Planning Act, the Development Consent Authority consent to the application to develop Lot 4465, 32 Wilkinson Street, Suburb of Ciccone for the purpose of a alterations and additions to existing emergency services facility, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Landscaping to the front of the site that achieves compliance with Clause 9.1.1 (Industrial Setbacks), but reduced to 0.5m (at its narrowest) along the length of the proposed building; and
 - (b) the extent of bitumen seal to the parking areas and driveways.

CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
4. The owner shall collect stormwater and discharge it to the drainage network to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
5. Before the use/occupation of the development starts the landscaping works

shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

6. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51 (a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is in Zone LI (Light Industry) and is generally consistent with the primary purpose of the zone which is to provide for development that will not by the nature of their operations, detrimentally affect adjoining or nearby land.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is supported as the development largely exists and the proposed redevelopment will provide an extension to this already existing use. The variations to this clause are limited to minor non-compliance which is not expected to negatively impact on vehicle movement to and from the site, or on the overall amenity of the area.
3. A variation to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is supported as the special circumstances for locating the additional building in the approved location effectively demonstrate that no adverse impact to the site or adjacent properties will occur as a result.
4. The requirement for amended plans detailing the extent of landscaping and bitumen seal to parking areas will assist in ensuring a suitable level of compliance with the overall intention of Clauses 9.1.1 (Industrial Setbacks) and 6.5.3 (Parking Layout) of the NT Planning Scheme.

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

**ITEM 3 DEVELOPMENT – LOT 1936, 17 PEDLER AVENUE , SUBURB OF GILLEN,
TOWN OF ALICE SPRINGS
DEPENDANT UNIT (FLOOR AREA EXCEEDING 50M²)
MARK MOLANUS**

Mark Molanus attended the meeting.

**RESOLVED
0008/11**

That, the Authority vary the requirements of Clauses 7.10.4(2)(b) (Dependant Units) of the Northern Territory Planning Scheme and pursuant to section 53(b) of the *Planning Act*, the Authority alters and grants consent to the application as altered to develop Lot 1936, 17 Pedler Avenue, Suburb of Gillen, Town of Alice Springs for the purpose of a Dependant Unit, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be completed in accordance with the drawings endorsed by the delegate of the Development Consent Authority as forming part of this permit, to the satisfaction of the Development Consent Authority.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity and telecommunication services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Storm water 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.
4. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
5. The site must not be used for "multiple dwelling" purposes.

NOTE:

This development permit does not grant "building approval" for a development or use. You are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing construction or the approved use. The Building Advisory Services Branch (89519235), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.

VARIATION GRANTED

A variation is granted to clause 7.10.4 (Dependant Units) of the Northern Territory Planning Scheme to allow a dependant unit with a floor area of 84m² instead of 50m².

REASONS FOR THE DECISION

1. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The Authority can support a variation to Clause 7.10.4 (Dependant Units) of the NT Planning Scheme if it is satisfied that one dwelling will function as ancillary to the other and that the development is appropriate to the site having regard to the potential impact on the residential amenity of neighbouring properties. On merit the application (as altered) to vary the floor area requirements to allow a dependant unit with a floor area of 84m² (instead of the 50m² minimum) is considered appropriate for the site and responds satisfactorily to the purpose of clause 7.10.4 (Dependant Units) of the Northern Territory Planning

Scheme and assessment criteria contained in subclause 7.10.4(3).

3. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. It is considered the proposed development will not impact on the residential amenity of the area due to the location of the existing dwelling, the size of the allotment and the (altered) position of the proposed new dependant unit.
4. Pursuant to section 51(h) of the *Planning Act*, the Development Consent Authority must take into account the merits of the proposal. The proposed development will maximise the use of this land by providing additional accommodation in order to support immediate family members, while maintaining the residential amenity of the area.

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

**ITEM 4 EXTENSION OF TIME– LOT 9349, 116 STEGAR ROAD , SUBURB OF ROSS,
TOWN OF ALICE SPRINGS
EXTEND BASE PERIOD OF DP06/0596 BY 2 YEARS
EMILY VALLEY ESTATES PTY LTD**

John McEwen (Emily Valley Estates Pty Ltd) attended the meeting and tabled a document from OPUS listing the current progress of the development.

RESOLVED That, the Development Consent Authority pursuant to section 59(3)(a) of the
0009/11 *Planning Act*, consents to a further two year extension of time to the base period
of Development Permit DP06/0596. The permit will now lapse on 09 January
2013.

ACTION: DAS to prepare an Extension of Time permit

**ITEM 5 DEVELOPMENT – LOT 7182, UNIT 1, 37 LYNDVALE DRIVE, SUBURB OF
LARAPINTA, TOWN OF ALICE SPRINGS
GARAGE WITH REDUCED FRONT AND SIDE SETBACK
MR MITCHELL HENKES**

The applicant did not attend the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.11
0010/11 (Garages and Sheds) of the Northern Territory Planning Scheme, and pursuant to
section 53(a) of the Planning Act, consent to the application to develop Lot
7182, 37 Lyndavale Drive, Suburb of Larapinta, Town of Alice Springs for the
purpose of a garage with a reduced front and side setback, subject to the
following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) All details of site fencing to the property (both internal and external) and indicating how vehicle access will be gained to the garage.

CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner shall collect stormwater (as it relates to the approved structure) and discharge it to the drainage network to the technical requirements of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.

NOTE:

1. This development permit does not grant "building approval" for a development or use. You are advised to contact a registered private building certifier to ensure that you have attained all necessary approvals before commencing construction or the approved use. The Building Advisory Services Branch (89519235), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.

VARIATION GRANTED

1. Clause 6.11 (Garages and Sheds) of the NT Planning Scheme to allow reduced front and side setbacks as shown on the endorsed drawings

REASONS FOR THE DECISION

1. A variation is granted to the requirements of Clause 6.11 (Garages and Sheds) of the NT Planning Scheme as the proposed structure will be screened, in part, by existing site fencing. The special circumstances highlighted within material submitted as part of the application and response to the Authority's deferral demonstrates that the allotment presents few other possible locations to locate a structure of this type, with this location providing secure vehicle parking for vehicles owned by the residents of the property.
2. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the property.
3. The application was placed on public exhibition in accordance with the *NT Planning Act* with no submissions received objecting to the development.

ITEM 6 **VARIATION TO DEVELOPMENT PERMIT – LOT 7394, 25 GAP ROAD ,
SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
VARIATION TO DP02/0314 TO ALLOW ALTERATIONS AND ADDITIONS
TO AN EXISTING OFFICE
CENTRAL AUSTRALIAN ABORIGINAL CONGRESS INCORPORATED**

RESOLVED That the Authority, pursuant to section 57(3) of the *Planning Act*, consent to the
0011/11 application for Lot 7394, 25 Gap Road, Suburb of The Gap, to vary
Development Permit DP02/0314 to allow alterations and additions to an existing
office.
In all other respects Development Permit DP02/0314 remains unchanged.

ACTION: DAS to notify applicant and prepare Variation
of Conditions permit

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



PETER McQUEEN
Chairman

14/2/2011