DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 186 – WEDNESDAY 13 AUGUST 2014

DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: David Koch, Brendan Heenan, Stephen Ward and Ray Wallis

APOLOGIES: Steve Brown

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Kirra Morgan and Jenna Lovett

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 9.30 am and closed at 9.40 am
ITEM 1 PA2014/501 - INDEPENDENT UNIT IN A SINGLE STOREY BUILDING WITH A
REDUCED PRIMARY STREET (FRONT) SETBACK
LOT 1074, 5 STONE STREET, SUBURB OF BRAITLING, TOWN OF ALICE SPRINGS

This item was withdrawn by the applicant prior to the meeting.

ITEM 2 PA2014/0481 - INDEPENDENT UNIT WITH FLOOR AREA IN EXCESS OF 50M² AND
ALTERATIONS TO EXISTING SINGLE DWELLING WITH REDUCED SIDE & REAR
BUILDING SETBACKS
LOT 6429, 8 TMARA MARA CIRCUIT, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS
MR ANTON PRETORIUS

Mr Anton Pretorius attended the meeting in support of the application.

RESOLVED 0071/14

That, the Development Consent Authority vary the requirements of Clause 7.3
(Building Setbacks of Residential Buildings, Clause 7.3.2 (Distance Between
Residential Buildings One Site) and Clause 7.10.4 (Independent Units) of the NT
Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the
proposed development and consent to the proposed development as altered to
develop Lot 6429, 8 Tmara Mara Circuit, Suburb of Araluen, Town of Alice Springs for
the purpose of an independent unit with a floor area in excess of 50m² and reduced
side and rear setbacks, dwelling additions with reduced side setbacks and a pergola
with a reduced side setback, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works
(including site preparation), amended plans to the satisfaction of the consent
authority must be submitted to and approved by the consent authority. When
approved, the plans will be endorsed and will then form part of the permit. The
plans must be drawn to scale and must be generally in accordance with the plans
submitted with the application but modified to show:
   (a) the addition of the attached verandah that is on the southern boundary of the
       site (this is to be shown on the site plan, and elevations); and
   (b) the location and dimensions of the sewerage easement that is registered on
       the Land Title of Lot 6429 (this is to be shown on the site plan and site related
       floor plans).

GENERAL 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 of the land must enter into agreements with the relevant authorities for
the provision of water supply, sewerage and electricity facilities, to the
development shown on the endorsed plan in accordance with the authorities'
requirements and relevant legislation at the time.

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.

NOTES:

1. This permit will expire if one of the following circumstances applies:

   (a) the development and use is/are not started within two years of the date of this permit; or
   (b) the development is not completed within four years of the date of this permit.

   The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

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.

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 dependent unit is consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the NT Planning Scheme and the built form and character of existing developments on the site and within the Araluen locality.

2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, to allow for a reduced side and rear setback to the independent unit, a reduced side setback to the verandah addition to the single dwelling and a reduced side setback to the proposed pergola are granted as:

   • the scale of the residential buildings in terms of floor area, building height, roof pitch, colours and setbacks is considered compatible with the character of the existing single dwelling, streetscape and other development in the wider Araluen locality;
   • minimal overlooking or building massing issues are anticipated, due to the location of the building on site and an existing —1.6 m high solid fence;

3 of 11

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.
• the structure for the independent unit is an existing shed that already contains all the outside physical features of the independent unit, no additional impacts on the amenity of the existing dwelling or nearby neighbours is anticipated; and
• the verandah and pergola are expected to increase amenity for the residents of the single dwelling and independent unit.

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

3. A variation to Clause 7.3.2 (Distance Between Residential Buildings on One Site) of the NT Planning Scheme, to allow the single dwelling and independent unit to be 1.5m apart, rather than the required 3m as:
• the independent unit will not have any windows or doors opening towards the single dwelling;
• the affected wall of the single dwelling will contain a garage only and will not have any windows facing the affected boundary, no privacy issues are anticipated; and
• the development is expected to meet the intent of the clause.

In accordance with Clause 2.5 (Exercise of Discretion of the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered sufficient special circumstances and justify the granting of a variation to Clause 7.3.2 of the Scheme.

4. A variation to Subclause 3(b)(i) of Clause 7.10.4 of (Independent Units) of the NT Planning Scheme, to vary the floor area limitation for an independent unit addition to a single dwelling is granted as:
• The independent unit will be contained within an existing structure previously used as a shed, the 5m² variation to the floor area limitation means that no changes to the physical footprint of the building will be required;
• it is appropriate for the site in terms of floor area and setbacks from the single dwelling and is not expected to have any adverse impact on the amenity of the Tmara Mara Circuit streetscape or adjoining properties; and
• is partially screened from adjacent land by an existing ~1.6m high solid fence.

In accordance with Clause 2.5 (Exercise of Discretion of the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered sufficient special circumstances and justify the granting of a variation to Clause 7.4.10 of the Scheme.

5. Pursuant to Section 51(m) of the Planning Act, the Consent Authority must take into consideration 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 Power Water Corporation has advised that connection to and upgrading of power, water and sewer services will be required. The drawings that form part of the application do not the sewerage easement and the proposed pergola and decking will encroach onto this easement. These requirements will need to be resolved prior to works commencing and the conditions of approval are
intended to ensure service authority interest are duly recognised.

6. The application was publicly exhibited in accordance with the Planning Act and the Planning Regulations. No public submissions were received. A local authority submission under section 49 of the Act was made by the Alice Springs Town Council but has since been retracted.

ACTION: Notice of Consent and Development Permit

ITEM 3 PA2014/507 - 4 X 3-BEDROOM MULTIPLE DWELLINGS IN 3 SINGLE STOREY BUILDING
LOT 1041, 6 WINNECKE AVENUE, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS ZONE A PTY LTD

Mr Stuart Chalmers of Zone A Pty Ltd attended the meeting in support of the application.

Mr Dillip Nellikat attended the meeting on behalf of the Alice Springs Town Council (who made a written local authority submission in relation to the application) and did not provide further comment.

RESOLVED 0072/14 That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18 metres); and Clause 7.5 (Private Open Space) 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 1041, 6 Winnecke Avenue, Suburb of East Side, Town of Alice Springs for the purpose of 4 x 3 bedroom multiple dwellings in 3 x 1 storey buildings, 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) A cross-section of the dwellings showing the relationship between existing and finished ground levels, floor levels and the apex height of the buildings. The apex height of the building above ground level is to be labelled on the drawings;
   (b) The proposed location of water meter arrangements;
   (c) 1.8m high (above finished ground level) fencing to private open space boundaries which face Winnecke Avenue and the laneway. To achieve the screening requirements specified in Clause 7.5(3) of the NT Planning Scheme a mixture of solid and semi-permeable fencing as well as planting along the Winnecke Avenue boundary should be used;
   (d) a planting schedule of all trees on site that will be retained, proposed trees,
shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
All plant species selected must be to the satisfaction of the consent authority due regard must be given to the design criteria contained in Clauses 6.12 (landscaping) and 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

GENERAL CONDITIONS

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

3. Before the use or occupation of the 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) in accordance with the manoeuvring and parking bay dimensions of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
   (c) properly formed to such levels that they can be used in accordance with the plans;
   (d) surfaced with an all-weather-seal coat;
   (e) drained;
   (f) line marked or otherwise suitably delineated to indicate each car parking space;
to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times.

4. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.

5. Protective kerbs (of a minimum height of 150mm) or bollards must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.

6. 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.

7. 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.

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

9. 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.
10. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.

11. The owner shall:
   (a) remove disused vehicle and/or pedestrian crossovers;
   (b) seal the section of the laneway as shown on the endorsed drawings;
   (c) provide a dedicated pedestrian footpath 1.5m wide within the laneway from the entry gate along the northern side of Unit 1 to Winnecke Avenue; and
   (d) undertake reinstatement works where necessary;
all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

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

13. 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, 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. 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.

2. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from the Department of Land Resource Management.

3. This development permit does not grant "building approval" for the change of use and proposed building works. The National Construction Code requires that certain structures within 900mm of a lot 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 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.

5. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work (including construction access) within the Winnecke Avenue and (unnamed) laneway road reserves.
6. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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, 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. Subject to the receipt of detailed landscaping plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
   - Clause 4.3 (Planning Principles – Alice Springs); and
   - Zone MR (Medium Density Residential), the primary purpose of Zone MR is to provide for a range of housing options to a maximum height for four storeys above ground level. The development is under the 3 storey height limitation (imposed by Clause 6.2) and the scale, character and architectural style of the multiple dwelling development is compatible with the streetscape and contemporary multiple dwelling developments within East Side.

2. Variations are granted to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for:
   - parts of a car parking area to be located less than 3m from the secondary street boundary and not landscaped to a depth of 3m is considered satisfactory in this instance as the proposed design is considered to be functional, maintains sight lines and the carport walls and landscaping proposed is expected to provide effective screening of that part of the car parking area from the public realm, thereby lessening the visual impact of the car park when viewed from the street; and
   - parts of a driveway (designed for two-way traffic) to be pinched to 3m and 5m wide are considered satisfactory in this instance as the proposed site responsive design is considered to be functional, maintains sight lines and is appropriate for the minimal vehicular movements of a low density multiple dwelling development in accordance with the intent of the clause.

3. A variation to Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
   - The development satisfies the purpose of the clause in that it is “of a density compatible with the existing and planned provision of reticulated services and community facilities which service the area and is consistent with land capability”;
   - The site responsive design is compatible with the architectural style, site coverage, heights, setbacks and landscaping of other residential developments in the vicinity of the site; and
   - The proposed dwelling density is consistent with the planning principle of Clause 4.3(a) of the NT Planning Scheme for Alice Springs, which aims to
“provide for orderly development catering for a growing population maximising options for urban infill adjacent to the town centre and other identified neighbourhood centres and community facilities”.

4. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the reduced primary street building setback distances for verandahs and the reduced secondary street (laneway) setbacks for carports, storeerooms and a verandah are granted as:
   - Winnecke Avenue is wider (24.3 m) than the standard residential street width (around 18m to 20m) and the reduced primary street setbacks relate to verandahs which will be fully open to the affected boundary;
   - The overall design is considered to offer good articulation and interest as well as offering excellent passive surveillance of the road reserves (Winnecke Avenue and laneway) from the private open space areas;
   - Due to the single storey design and isolated nature of the site, the reduced setbacks will not result in any undue overlooking or overshadowing to nearby residences;
   - The proposed building footprints of the dwellings and associated setback distances are similar to those which were approved by Development Permit DP11/0751;
   - The reduced building setback distances enable a more functional car parking layout within the site and maximises private open space provision;
   - The proposed boundary fencing and landscaping may partially screen the development from the street and adjacent sites; and
   - The development is consistent in terms of building footprints, setbacks and aesthetics of other dwellings in the immediate area.

5. Variations to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres) of the NT Planning Scheme to allow reduced primary street (for Unit 1) and side (Units 2 and 3) building setbacks are granted as the site conditions (separated significantly from other developments on adjoining land) footprints, orientation and design of the development will minimise any potential adverse effects of building massing, visual bulk and overlooking when viewed from adjoining land and the street.

6. A variation to Clause 7.5.3 (Private Open Space) of the NT Planning Scheme for rear boundary and sections of the street boundaries of the private open space areas to have 1.8m high fencing that is semi-permeable and not screened in accordance with the clause is granted as:
   - The design maximises the views from the site towards the road reserves and rocky hill at the rear of the site and is an appropriate outcome in terms of Community Safety Design principles;
   - The fencing will add visual interest to the streetscape and will partially screen the private open space areas; and
   - The lack of screening to the rear boundary will not cause any undue overlooking into private open space or habitable rooms of neighbouring dwellings.

7. Pursuant to section 51(e) of the Planning Act, in considering a development application the Development Consent Authority must take into account any submissions made under section 49 of the Act and any evidence or information...
received under section 50 of the Act. The Alice Springs Town Council made a
local authority submission under section 49(3) of the Planning Act, but did not
identify any concerns in relation to the proposed development. The matters raised
in the submission have been noted by the consent authority and standard
conditions in relation to storm water drainage, kerb crossovers and other works
within the road reserve (including sealing of part of the laneway) have been
included on the development permit.

8. Pursuant to section 51(h) of the Planning Act, in considering a development
application the Development Consent Authority must take into account the merits
of the proposed development as demonstrated in the application. The addition of
4 x 3 bedroom dwellings into the Alice Springs housing market will contribute
towards achieving Objective 1 of the Strong Society vision contained in the
Framing the Future strategic plan to support Territorians with diversity of housing
choices under the Real Housing for Growth plan.

9. Pursuant to section 51(j) of the Planning Act, the consent authority is required to
consider 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 physical characteristics of the land are considered suitable for
the proposed development of multiple dwellings. The site and floor layouts,
private open space provision and other aspects of the design fulfill the intent of the
objectives of the NT Planning Scheme relevant to multiple dwelling use.

10. Pursuant to section 51(m) of the Planning Act, the Development Consent
Authority must take into consideration the requirement for public facilities and
services to be connected to the land and the requirements, if any, for those
facilities or infrastructure to be provided by the developer for that purpose. The
Power and Water Corporation has advised that areas of the site need to be set
aside for connections to and infrastructure (including meters) for power, water and
sewer services. These locations will need to be resolved prior to works
commencing and the conditions of approval are intended to ensure service
authority interests are duly recognised.

11. Pursuant to section 51(n) of the Planning Act, the Development Consent Authority
is required to consider the potential impact on the existing and future amenity of
the area in which the land is situated. The proposed development is appropriate
for the zoning, site and locality and subject to the receipt of detailed landscaping
drawings, has little potential adverse impact on the surrounding area.
Consideration has been given to the streetscape and surrounding area.

12. Pursuant to section 51(p) of the Planning Act, in considering a development
application, the Development Consent Authority is required to take into account
the public interest including how community safety though crime prevention
principles in design are provided for in the application. The proposed private
open space areas for three of the dwellings will overlook Winnecke Avenue and/or
the laneway and permeable boundary fencing to the site will be used thereby
meeting two of the Core Design Principles contained within the Community
Safety Design Guide and allows interaction and surveillance to the streetscape.
13. The application was publicly exhibited in accordance with the Planning Act and Planning Regulations. No public submissions were received.

ACTION: Notice of Consent and Development Permit

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

DAVID KOCH
Member

18 / 8 / 2014