



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 156 – WEDNESDAY 14 MARCH 2012

**CROWNE PLAZA ALICE SPRINGS
BARRETT DRIVE**

MEMBERS PRESENT: Peter McQueen, Sandy Taylor, Brendan Heenan, John McBride and Libby Prell

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Sally Cunningham and Kirra Morgan

COUNCIL REPRESENTATIVE: Mark Pierson

Meeting opened at 9:45am and closed at 10:40 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 – LOT 8889, 10 CLARA COURT, SUBURB OF THE GAP,
TOWN OF ALICE SPRINGS
GARAGE AND VERANDAH WITH REDUCED FRONT AND SIDE BUILDING
SETBACKS TO EXISTING SINGLE DWELLING
SUSAN LEONE-ABBOTT**

Ms Susan Leone-Abbott and Mr Graeme Abbott (applicants) attended the meeting and tabled amended drawings, a covering letter and photographs.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.11
0015/12 (Garages and Sheds) and Clause 7.3 (Building Setbacks of Residential Buildings)
of the Northern Territory Planning Scheme and pursuant to section 53(a) of the
Planning Act consent to the application to develop Lot 3376, 102 Bradshaw
Drive, Alice Springs for the purpose of constructing a garage/shed with a reduced
front setback and verandah with bathroom amenities area with reduced side
setback, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the plans (as tabled by the applicant at the 14/03/2012 DCA meeting) endorsed as forming part of this permit.
2. 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.
3. 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 the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

NOTES:

1. This development permit does not grant "building approval" for development or use and the Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements. 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 (89519218), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.
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.

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 consideration the planning scheme that applies to the land to which the application relates. A variation is granted to the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme as the construction of the shed will be offset to the street boundary and generally in alignment with buildings on adjoining properties. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the setback of the proposed structure, and design features are considered to be sufficient special circumstances and justify the granting of a variation to Clause 6.11 (Garages and Sheds).
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. A submission was received from a member of the public about the application. The matters raised in the submission have been noted by the consent authority.
3. With the exception of the front setback and a minor side boundary, the development is compliant with the relevant controls contained in the NT Planning Scheme, is appropriate for the site and locality, and has little potential impact on the surrounding area. Consideration has been given to the streetscape and surrounding developments.

ACTION:

DAS to prepare a Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – LOT 9186, 218 STUART HIGHWAY, SUBURB OF
BRAITLING, TOWN OF ALICE SPRINGS
SHOWROOM SALES, WAREHOUSE, RESTAURANT & PLANT NURSERY
(BUNNINGS WAREHOUSE)
CONNOR HOLMES**

Mr Michael Osborne (on behalf of the applicant) attended the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1
0016/12 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 9.1.1
(Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of
the *Planning Act*, the consent to the application to develop Lot 9186, 218 Stuart
Highway, Suburb of Braitling, Town of Alice Springs for the purpose of
Showroom Sales, Warehouse, Restaurant and Plant Nursery (Bunnings
Warehouse), subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. All proposed works impacting on Power Street and Stuart Highway are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council (Power Street) and Chief Executive Officer, Department of Lands and Planning (Stuart Highway). Drawings must be submitted to the Council and Senior Director, Road Network Division of the Department of Lands and Planning for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
4. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) transport of materials, goods or commodities to or from the land
 - (b) appearance of any building, works or materials
 - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil
 - (d) presence of vermin
5. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
6. No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.

7. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and the NT Fire and Rescue Service.
8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
9. 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) 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;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
11. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
12. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
13. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land).
14. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council (Power Street) and the Department of Lands and Planning (Stuart Highway), to the satisfaction of the consent authority.
15. 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 the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

16. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated 24/02/2012 prepared by Summit Projects and Construction, except that the plan must also show:
- (a) a survey (including botanical names) of all existing vegetation to be retained and/or removed;
 - (b) details of surface finishes of pathways and driveways;
 - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
 - (d) landscaping and planting within all open areas of the site;
 - (e) canopy trees (minimum four metres tall once established) in a spacing of one tree every 10m along street frontages and appropriate locations around car parking areas; and
 - (f) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority.
17. 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.
18. 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.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from (Alice Springs Town Council and the Department of Lands and Planning) before commencement of any work within the road reserves.
2. 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.
3. 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.
4. 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.

5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.
6. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
7. 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 Natural Resources Management Division, Department of Natural Resources, Environment, the Arts and Sport.
8. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
9. 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.
10. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS 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*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone LI (Light Industry), which is, "to provide for...development activities that will not by their nature of their operations, detrimentally affect adjoining or nearby land". The development is consistent with the form of development expected within Zone LI as the design incorporates landscaping, building materials and colours that will enhance the visual appearance of the development.
2. A variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for a reduced landscaping buffer between the property boundary and the buildings and car parking areas as the landscaping once established is expected to satisfactorily respond to the relevant objectives of the NT Planning Scheme.

3. The Development Consent Authority considers that a reduction in the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme from 342 to 252 car spaces for the use of the site (shown on the endorsed drawings) is supportable under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition of:
 - Part of the shortfall is considered to be an over count of parking requirements on account of the submitted drawings not distinguishing "net floor area" from other "floor area" (floor plans showing room partitioning are not included with the application).
 - In respect to car parking numbers, the applicant has assessed that based on the land use and net floor areas proposed, the proposed number of parking spaces would satisfy the empirical demand for car parking on site. This is based on the car parking demand for similarly sized Bunnings developments interstate and intrastate, many of which have larger customer catchment areas than the Alice Springs development would.
 - Availability of on street car parking spaces and public transport facilities within the vicinity of the site;
 - Provision of a designated bicycle parking area in a convenient location; and
 - Provision of 90 additional car parking bays may compromise the functionality of the car parking area and adversely affect the visual amenity of the site.
4. The variations sought to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.
5. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the site.
6. Provision of a detailed landscaping plan is required to ensure a greater amenity outcome for the streetscape and shading for vehicles and pedestrians.

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

ITEM 3 **DEVELOPMENT – LOT 7473, 21 HOLTERMANN COURT, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS
SHED / GARAGE ADDITION TO EXISTING MULTIPLE DWELLING (UNIT 2) WITH REDUCED BUILDING SETBACKS TO FRONT AND SIDE BOUNDARIES
SEAN CAMELIN**

Mr Sean Camelin attended the meeting.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7437 (21) Holtermann Court, Town of Alice Springs for the purpose of a Shed / Garage addition to existing multiple dwelling (Unit 2) with reduced building setbacks to front and side boundaries to require the applicant to allow the applicant and the authority to clarify amended details at development consent authority meeting of 11 April 2012.

ACTION:

DAS to formally advise applicant of deferral.
Application is to be rescheduled for April
2012 DCA hearing.

**ITEM 4 DEVELOPMENT – LOT 3376, 102 BRADSHAW DRIVE, SUBURB OF GILLEN,
TOWN OF ALICE SPRINGS
SHED WITH REDUCED FRONT BUILDING SETBACK
JANINE FITCH**

Ms Janine Fitch and Mr Morris Baker attended the meeting.

Ms Fitch tabled photographs of the proposed screening to the development (showing what they intend to keep and remove).

**RESOLVED
0018/12**

That, the Development Consent Authority vary the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme and pursuant to section 53(b) of the Planning Act alter and consent to the proposal to develop Lot 3376, 102 Bradshaw Drive, Alice Springs for the purpose of constructing a shed with a reduced front setback as altered, subject to the following conditions:

CONDITIONS

1. Works carried out under this permit shall be in accordance with the plans endorsed as forming part of this permit.
2. 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.

NOTES:

This development permit does not grant "building approval" for development or use and the Building Code of Australia requires that any structure within 900mm of a boundary meets minimum fire resistance level requirements. 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 (89519218), Department of Lands and Planning may also be able to advise you with regard to Building Permit requirements.

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 consideration the planning scheme that applies to the land to which the application relates. A variation is granted to the requirements of Clause 6.11 (Garages and Sheds) of the Northern Territory Planning Scheme as the construction of the shed will be partially screened by an existing solid wooden fence on the front property boundary and proposed landscaping. In accordance with Clause 2.5 (Exercise of Discretion by the Consent

Authority) of the NT Planning Scheme, the setback height of the proposed extension, and design features are considered to be sufficient special circumstances and justify the granting of a variation to Clause 6.11 (Garages and Sheds).

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. A submission was received from a member of the public about the application. The matters raised in the submission have been noted by the consent authority.
3. With the exception of the front setback, the development is compliant with the relevant controls contained in the NT Planning Scheme, is appropriate for the site and locality, and has little potential impact on the surrounding area. Consideration has been given to the streetscape and surrounding developments.

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

**LATE
ITEM**

**EXTENSION OF TIME – EXTEND BASE PERIOD OF DP05/0120
LOTS 1729 AND 9913, RAGONESI ROAD, SUBURB OF ROSS, TOWN OF
ALICE SPRINGS
MICRO HOLDINGS PTY LTD**

Mr Ronald Sterry (applicant) attended the meeting. Mr Sterry tabled several documents relating to the history of the site and application.

**RESOLVED
0019/12**

That, the Development Consent Authority, prior to determining the application, seek specific legal advice as to an interpretation of Section 59 of the *Planning Act* and the Authority's ability to consent to the request for an Extension of Time in relation to Development Permit DP05/0120.

ACTION: DAS to prepare letter

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



PETER McQUEEN
Chairman

28/3/2012