



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 203 – WEDNESDAY 9 DECEMBER 2015

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

MEMBERS PRESENT:	Denis Burke, David Koch, Alistair Feehan & Brendan Heenan
APOLOGIES:	Steve Brown
OFFICERS PRESENT:	Peter Somerville, Fraser Cormack & Jennie Ryan
COUNCIL REPRESENTATIVE :	Dilip Nellikat

Meeting opened at 10:55 am and closed at 11.30 am

**ITEM 1 DEVELOPMENT – VERANDAH ADDITION TO AN EXISTING SINGLE
DWELLING WITH A REDUCED SIDE SETBACK
LOT 6319, 22 KILGARRIFF CRESCENT, SUBURB OF SADADEEN, TOWN OF
ALICE SPRINGS
MR JAMES SANDERS AND MS KAREN SANDERS**

Mr James and Mrs Karen Sanders attended the meeting in support of the application. Mr Sanders tabled a revised gutter dimensions drawing.

RESOLVED That, pursuant to section 53(a) of the *Planning Act*, the Development Consent
0095/15 Authority consent to the application to develop Lot 6319, 22 Kilgariff Crescent,
Suburb of Sadadeen, Town of Alice Springs for the purpose of a verandah
addition to an existing single dwelling with reduced setback to side boundary,
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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.

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 (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.

REASONS FOR THE RECOMMENDATION

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 consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.
2. A variation is granted to the side boundary setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) as:
 - the verandah will abut a carport/shade structure on the adjacent lot, no building massing or overlooking issues are anticipated;
 - the structure will be screened from public view by an existing ~1.6m high fence and landscaping on the site;
 - the structure will be screened from the adjoining lot by an existing 2.1m high fence;
 - the design of the verandah (roof pitch, design and colours) will be comparable to the existing dwelling on the site;
 - the verandah will replace a shade sail structure located in a similar location and extending to the side boundary;
 - the proposed gutter to the verandah (as detailed in a plan tabled by the applicant at the hearing) will be setback a minimum of 50mm from the boundary and the design a building certifier will be required to ensure that the stormwater drainage system is designed and constructed in a manner that ensures that stormwater will not be discharged into an adjoining property;
 - the location of the verandah will allow the occupants of the dwelling to better utilise a private open space area that is developed and used as an outdoor living area.

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

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submission made under section 49 of the Act. The owners of the adjoining Lot (6320) made a submission in respect of the application highlighting their concerns relating to possible storm water and debris discharge into their land. It is considered that these concerns will be addressed through standard building certification requirements.
4. 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 verandah will be screened from public view by an existing ~1.6m high fence and landscaping on the site. No adverse effect on the amenity of the area is anticipated.

ACTION:

Notice of Consent and Development Permit

**ITEM 2 FURTHER CONSIDERATION - DEVELOPMENT – CHANGE OF USE FROM MOTEL TO MULTIPLE DWELLINGS (21 x 1 BEDROOM & 9 x 2 BEDROOM SINGLE STOREY DWELLINGS) INCLUDING REFURBISHMENT OF BUILDINGS AND CONSTRUCTION OF PRIVATE AND COMMUNAL OPEN SPACE AREAS LOTS 662 & 654, 12 SOUTH TERRACE & 6 BREADEN STREET, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
ZONE A PTY LTD**

Stuart Chalmers, Pat Black & Terry Weeks attended the meeting. Stuart Chalmers spoke to an amended design in response to the authority's resolution 0079/15 to defer consideration of the application.

**RESOLVED
0096/15**

That, the Development Consent Authority vary the requirements of Clause 6.14.5(b) (Land Subject to Flooding and Storm Surge), Clause 7.1.1.2 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 662 and Lot 664, South Terrace, Suburb of The Gap, Town of Alice Springs for the purpose of change of use from motel to multiple dwellings (12 x 1 bedroom and 13 x 2 bedroom single storey dwellings) including refurbishment and modification of buildings and construction of private and communal open space areas, 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 with dimensions and submitted in Adobe PDF format. The plans must be generally in accordance with the plans submitted by the applicant on 30 November 2015, but further amended, to the satisfaction of the consent authority, to provide:
 - a) a widened landscape strip between the front (South Terrace and Hayes Street) boundary of the site and the adjoining private open space areas (widening in the order of 0.5m to 1m is envisaged);
 - b) additional planting within areas adjacent to the car parking area to comprise a combination of shade trees and shrubbery; and
 - c) a schedule of measures proposed to limit flood damage in the event of a 1 percent annual exceedance probability flood event (generally as described in a supporting statement submitted by the applicant on 3 December 2015).

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 area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;

- c) surfaced with an all-weather-seal coat;
 - d) drained; and
 - e) line marked (or otherwise suitably delineated) to indicate each car space and all access lanes to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. 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.
 5. 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.
 6. The private open space areas of each dwelling shall be screened on each boundary by the erection of a solid wall or screen fence not less than 1.8 metres high, to the satisfaction of the consent authority.
 7. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
 8. 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.
 9. 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.
 10. The kerb crossover and driveway to the site approved by this permit is to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
 11. Stormwater 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.
 12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
 13. All air conditioning units (including condensers and any 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.
 14. Flood damage limitation measures must be implemented in accordance with

a schedule submitted in response to Conditions Precedent 1(c) of this permit and endorsed as part of the permit, to the satisfaction of the consent authority.

15. A Caution Notice shall be lodged with the Registrar-General on the Title for the subject land. The Caution Notice is to state that: "*This allotment is subject to inundation in a projected 1 percent annual exceedance probability flood event*". Evidence of lodgement on the parent parcel/s shall be provided to the satisfaction of the consent authority.
16. 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.

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 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. This development permit does not grant building approval 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 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*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposed development and use is of a scale and character compatible with uses and development in the locality and is considered to be generally

consistent with relevant objectives of the NT Planning Scheme.

2. A variation to clause 6.14.5(b) of the NT planning Scheme is granted, as:
 - a) the permit approves a change from one residential (accommodation) use to another;
 - b) the finished floor levels for the building are identified as 572.51m Australian Height Datum, which is assessed as approximately 0.5m below the projected level of a 1 percent annual exceedance probability flood event and the consent authority:
 - (i) is satisfied that future occupants will not be at undue risk in such an event; and
 - (ii) expects the proposed changes to site access to improve capacity for residents/occupants to egress the site safely by vehicle in a flood event, prior to the site becoming inundated in a major flood event.
3. A variation to clause 7.1.1.2 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as, in accordance with clause 7.1.1.3, the consent authority is satisfied that compliance with other aspects of the Scheme indicates that the density of the development is appropriate, having regard to the purpose of clause 7.1.1.
 - a) There is no evidence to suggest that the existing reticulated services, community facilities and public infrastructure in the area cannot support the proposed development and the proposal is consistent with land capability. Conditions on the Development Permit will ensure that the development is constructed in accordance with service authority requirements;
 - b) The proposed development includes limited changes to existing buildings, is considered compatible with the architectural style, site coverage, heights, setbacks and landscaping of other multiple dwelling developments along South Terrace; and
 - c) 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”.
4. Variations are granted to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme, as the development maintains established building setback distances and is not expected to have any adverse impact on the amenity of the locality or adjoining properties on account of the approved changes to the existing buildings.
5. Variations are granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some dwellings that do not fully comply with the standard minimum requirements. Variations to this provision are supported, as the following circumstances apply to the development:
 - a) The development entails the conversion of existing buildings from motel units into multiple dwellings and the existing building footprints and layout constrains design options.
 - b) The dimensions of the non-compliant private open space areas are

considered adequate to meet the expected needs of future occupants of those dwellings and the development includes functional and accessible communal open space area and facilities.

- c) The areas of private open space are considered to be appropriate for the floor areas and layout of each dwelling; and
 - d) there are areas of quality public open space and sporting facilities in close proximity to the site.
6. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and no public submissions were received. The proposed development was referred to the Alice Springs Town Council (ASTC) and a section 49 of the *Planning Act* was received. The design has subsequently been amended to comply with clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, addressing ASTC concerns in relation to the number of parking spaces for the development. All other ASTC requirements are addressed through the condition of the development permit.
7. 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 25 multiple dwellings into the Alice Springs housing market will contribute to housing choice and is considered to be an acceptable adaptive reuse.
8. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the 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. Notwithstanding the land's flood liability, the proposal will change the land use from one residential use to another and no greater risk to life of occupants is envisaged on account of the change of use.
9. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account 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 conditions of approval are expected to ensure that service authority interests are duly recognised.
10. Pursuant to section 51(n) of the *Planning Act*, in considering a development application 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. The proposed development and use, as approved, is not expected to have any adverse impact on the amenity of the locality or streetscape. The consent authority requires additional planting to the front of the site to assist in integrating the development into the streetscape.

ACTION:

DAS to prepare a Development Permit.

ITEM 3

**LATE ITEM – DEVELOPMENT – CONSTRUCT WORKSHOP BUILDING
WITH A REDUCED FRONT SETBACK
LOT 9336, 4 SMITH STREET, SUBURB OF CICCONE, TOWN OF ALICE
SPRINGS
ZONE A PTY LTD**

Dilip Nellikat attended on behalf of the Alice Springs Town Council following Council's submission under Section 49(3) of the *Planning Act*. Peter Somerville relayed comments from the applicant in response to the issues raised by Council and indicated that amended site plans could be prepared to provide additional car parking on-site.

**RESOLVED
0097/15**

That the Authority note the comments provided by the Council and intention by the applicant to amend the site plan to accommodate further on-site car parking.

ACTION:

DAS to prepare assessment as required in accordance with RESO 0085/15.

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



**DAVID KOCH
DCA Member**

16 / 12 / 2015