



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

**MEETING No. 281
8 NOVEMBER 2023**

**RED MULGA EVENT SPACE
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Deepika Mathur, Allison Bitar

APOLOGIES: Chris Neck, Matt Paterson

LEAVE OF ABSENCE:

OFFICERS PRESENT: Benjamin Taylor, James Calder, Kieran Marsh, Kim Muller

COUNCIL REPRESENTATIVE: Matt Raymond

Meeting opened at 10:45am and closed at 11:50am

THE MINUTES RECORD 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **OUTBUILDING ADDITIONS (SHADE SAIL, CARPORT, SHED) AND**
PA2023/0135 **DETACHED DWELLING EXTENSION TO AN EXISTING DWELLING-SINGLE**
 WITH REDUCED BUILDING SETBACKS TO THE PRIMARY STREET AND
 SIDE BOUNDARIES
APPLICANT **LOT 1890 (21) MILNER ROAD, GILLEN**
 Tracey Diddams

Applicant Tracey Diddams attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3
21/23 (Building Setbacks of Residential Buildings and Ancillary Structures) of the
 Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the
 Planning Act 1999, consent to the application to develop Lot 1890 (21) Milner
 Road, Gillen, Town of Alice Springs for the purpose of outbuilding additions
 (shade sail, carport, shed) and detached dwelling extension to an existing
 dwelling-single with reduced building setbacks to the primary street and side
 boundaries, subject to the following conditions:

GENERAL 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 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, electricity services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 3 for further information.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure/s. 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 for the works and use.
2. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the

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land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. 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 reserves.
5. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
6. Part of the original "outbuilding" (shed/garage) has been modified into a detached (ancillary) extension (ie: rumpus room) of the lawful "dwelling-single" use of the site. This Development Permit does not consent to the use of the building as a "dwelling-independent". Any proposed modifications to the building and its use is subject to compliance with the relevant provisions of the NT Planning Scheme 2020 (as amended).

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The land is within Zone LR (Low Density Residential) of the NT Planning Scheme 2020 (NTPS2020) and the purpose of the zone is to – *provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available. The zone outcomes relevant to the application includes that:*

- *dwellings and outbuildings are setback in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development; and*
- *building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.*

The considerations listed under Clause 1.10(3) do not apply to this development application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

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The development requirements of “Part 5” of the NTPS2020 include Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) which requires that:

- support columns of a carport (an ancillary structure without external walls);
- the outer extremity of the fabric of a shade sail (over 2.5m high); and
- the external walls of an outbuilding or residential building are setback a minimum of:
 - 1.5m to the side boundary (0.6m building setback for roof eaves and gutters); and
 - structures without external walls - 4.5m to the primary street boundary (3.6m roof eaves and gutters).

The development application sought approval for a carport, shade sail, outbuilding (shed/garage) and detached addition to the dwelling-single that have been constructed with reduced building setbacks to the primary street boundary (shade sail only) and the northern side boundary (all structures) of the site.

Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 *only if it is satisfied that the variation is appropriate having regard to the purpose and administration clauses of the requirement.*

Administratively, the consent authority may consent to a development that is not in accordance with the setback requirements of the clause if the variation satisfies:

- a) *the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures); and*
- b) *the zone purpose and outcomes.*

Pursuant to sub-clause 3 of Clause 5.4.3 of the NTPS2020, the Development Consent Authority - *may consent to a development that is not in accordance with sub-clauses 6-8 (of Clause 5.4.3) only if it is satisfied that the reduced setback is consistent with the purpose of Clause 5.4.3 and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of Clause 5.4.3 is to *‘ensure that residential buildings and ancillary structures are located in a manner that:*

		The Development Consent Authority notes
(a)	<i>is compatible with the streetscape and surrounding development including residential buildings on the same site;</i>	Milner Road and adjacent lots have a mixed character of dwelling densities, dwelling/outbuilding designs, floor areas, building footprints and vegetation coverage for each lot. Large (existing) outbuildings on abutting sites to Lot 1890 include: <u>Lot 1894 (14 Lewis Street)</u>

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		<ul style="list-style-type: none"> - 3.97m (apex) gable roof design - 19.2m x 9m (172.8m² floor area) - ~1m building setback to rear (west) and side (north) boundary. - side (NT Portion 2414) setback complies <p><u>Lot 2285 (19 Milner Road)</u></p> <ul style="list-style-type: none"> - 6m x 5m (30m²) - Flat roof design - building setbacks comply - abuts shared boundary of Lot 1890 <ul style="list-style-type: none"> • The location of the carport on Lot 1890 is setback ~9.8m from the street boundary. The reduced side setbacks are not generally noticeable when viewed from Milner Road. • The height, building materials, architectural style and floor area of the structures are consistent with other buildings on adjacent and nearby properties
(b)	<i>minimises adverse effects of building massing when viewed from adjoining land and the street;</i>	<p>Adjoining land – 1.8m high solid metal fencing to north (side) and east (rear) boundaries provide screening.</p> <p>Milner Road streetscape – mature landscaping is established within the front yard of the subject site, the colour of the shade sail blends in with the dwelling and carport.</p>
(c)	<i>avoids undue overlooking of adjoining properties; and</i>	<p><u>Shed/garage and dwelling extension</u></p> <ul style="list-style-type: none"> - No windows face towards the north boundary (Lot 2285). There are no habitable rooms (on Lot 2285) in the vicinity of the structure on Lot 1890. - The kitchen window of the dwelling extension faces east towards a shed wall on Lot 1894, Lewis Street - Development is single storey <p><u>Carport and shade sail</u></p> <ul style="list-style-type: none"> - Carport with reduced building setbacks on subject site abuts location of driveway and carport on Lot 2285 (north side boundary).
(d)	<i>facilitates breeze penetration through and between buildings.</i>	Complies for all structures

The buildings (as approved) are considered to be consistent with the purpose of Clause 5.4.3, with regards to the “*location, scale, impact on adjoining and nearby property*” as:

- the outbuilding / dwelling extension has been constructed:
 - in the north east corner of the subject site (a 990m² LR zoned property);
 - adjacent to a much larger sized shed/garage on the abutting property to the east (Lot 1894 (Lewis Street))
 - in a location so as not to interfere with established landscaping and a swimming pool associated with the dwelling-single
- the scale of the buildings:
 - are consistent with the floor areas, height, building materials and building setbacks of other outbuildings and shade sails in the Milner Road/Lewis Street locality
 - allow for adequate dimensions for the parking and manoeuvring of vehicles (within carport and shed)

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- the impact on the adjoining and nearby property is expected to be minimal as:
 - no public submissions were received during the notification period
 - solid metal fencing (1.8m high) provides visual and acoustic privacy to side and rear neighbours
 - the buildings having been constructed between 2007 and 2022 are an established part of the character of the site

The as constructed development and use is consistent with:

- The purpose of Zone LR (Low Density Residential) which is to - *provide for low rise urban residential development comprising individual houses and uses compatible with residential amenity....*
 - relevant Zone Outcomes for LR including:
 4. *Dwellings and outbuildings are set back in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development.*
 6. *Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.*
2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account 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 land is considered capable of supporting the development as it has been identified for Zone LR purposes and the primary dwelling-single land use was lawfully established. The carport provides shelter to an area of the driveway that had already been used for the parking of vehicles. Service authority requirements have all been addressed by the inclusion of conditions and notes on the development permit.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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:

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserve, connections to and upgrading of electricity, water and sewerage services that apply to the development of a carport, shed and detached addition to the dwelling-single and the associated disposal of storm water and plumbing and electrical fixtures; and
- The NTPS2020 objectives and development performance criteria relating to the provision of services/infrastructure will be complied with.

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- Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The development application is solely for the purpose of seeking consent for structure/s ancillary to an existing dwelling-single less than the minimum distance from the primary street and northern side boundaries. By the nature of the design of the development, and noting that works are already completed, there will not be a significant effect on the existing and future amenity of the locality.

- Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare Notice of Consent and Development Permit

ITEM 2
PA2023/0263

**DWELLINGS-GROUP (3 X 3 BEDROOM DWELLINGS IN 2 X 1 STOREY BUILDINGS) WITHIN LAND SUBJECT TO FLOODING
LOT 377 (10) GOYDER STREET, EAST SIDE**

APPLICANT

Zone A Pty Ltd

Applicant, Mr Stuart Chalmers (Zone A Pty Ltd) spoke further to the application and tabled a drawing (labelled - drawing no 3143-Temp1_TP).

Mr Leigh Swift (NT Fire and Rescue Service) attended the meeting and spoke further to the written submission

Interested Parties in attendance included:- Amy Driver and Cameron Miller (Ngurratjuta/Pmara Ntjarra Aboriginal Corporation).

RESOLVED
22/23

That, the Development Consent Authority vary the requirements of Clause 3.6 (Land Subject to Flooding), Clause 5.2.4.4 (Layout of Car Parking Areas), Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group) and Clause 5.4.17 (Building Articulation) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 377 (10) Goyder Street East Side, Town of Alice Springs for the purpose of dwellings-group (3 x 3 bedroom) to be used as dwelling-community residences in 2 x single storey buildings within land subject to flooding, subject to the following conditions:

CONDITION PRECEDENT

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1. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the updated drawings (prepared by Zone A Pty Ltd dated 26/07/2023) included with the application material that formed part of Bookmark B of the agenda report for the 08/11/2023 DCA meeting, but modified to show/demonstrate:
 - (a) The design of the residential building containing proposed Units 2 and 3 updated to either:
 - i. Include alternative treatment/articulation measures on the east facing wall (eg: patterned façade/cladding, varied building materials and colours) to mitigate the perception of building mass and bulking when viewed from adjoining properties and the street (laneway) to the satisfaction of the consent authority; **or**
 - ii. be compliant with the step/recess requirements of sub-clause 4 of Clause 5.4.17 (Building Articulation) of the NT Planning Scheme 2020
 - (b) proposed privacy fencing/screening (ie: solid metal fencing) to:
 - i. the length shared boundary of Lot 376, 11 Goyder Street; and
 - ii. private open space boundaries of Unit 3 to the rear (unnamed) laneway; and
 - iii. private open space boundaries between Unit 1 and Unit 2 and Unit 2 and Unit 3upgraded to a height of no less than 1.8m above the finished floor levels of the proposed dwellings on Lot 377
 - (c) updated site plan showing proposed finished levels for the site in AHD (including finished levels for driveways and car parking areas, private open space areas and finished floor levels of dwellings);
 - (d) Any steps or access ramps to the dwellings, communal open space and private open space (that may be required on account of the finished floor levels needing to be 300mm above the 1% AEP level);
 - (e) Details of the retaining walls (to the boundaries of Lot 377) for containment of fill which will include:
 - (i) a letter / written assessment prepared by a suitably qualified person (eg: registered building certifier or engineer) that confirms: - retaining walls for the containment of the fill (on Lot 377) and other new fencing on the site will be included in the building approval/s and associated Occupancy Certification (*Building Act 1993*); and - the retaining walls have been designed to comply with the relevant National Construction Code and/or Australian Standard requirements (noting the requirements of section 39(b) of the Building Regulations 1993); and
 - (ii) the updated drawings (referred to in parts (a) to (e)(i)) of Condition 1 of this permit showing the retaining walls and fill

Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au

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) 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 or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. 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 (Goyder Street and unnamed laneway), to the satisfaction of the consent authority.
5. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
6. 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.
7. 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.
8. 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, in accordance with the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.
9. The kerb crossover and driveway access 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.
10. 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.

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11. 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.
12. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3, 4 and 5 for further information.
14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both: waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street (unit number) addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of *Planning Act 1999*) will not be able to be granted until such time as addressing (unit numbering) is obtained."
16. The finished floor levels of "habitable rooms" of all dwellings must be no lower than 577.55 metres Australian Height Datum (AHD). The developer shall demonstrate compliance with this condition by providing "as constructed" finished levels of each dwelling, confirmed by a Licensed Surveyor. This condition is to the satisfaction of the Development Consent Authority.

NOTES:

1. This development permit is not a Building Act 1993 approval to undertake building work or occupy/use the buildings. You are advised to contact a Northern Territory registered building certifier to seek a building permit and occupancy certification as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works or occupying the building.

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2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955354 (surveylandrecords@nt.gov.au).
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind
5. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
6. 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 reserves.
7. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. The Department of Environment, Parks and Water Security 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.

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10. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
11. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
12. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

13. 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.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned LMR (Low-Medium Density Residential) and also subject to the Overlay listed in Clause 3.6 (LSF – Land Subject to Flooding).

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The proposed development and use requires consent under Clause 1.8 (When development consent is required). “Dwelling-Group” (3+) is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8 of the NTPS2020.

Sub-clause 1 of Clause 3.6 of the NTPS2020 specifies that land subject to the LSF Overlay is to be used or developed only with consent. Sub-clause 4(b) of Clause 3.1 specifies that - where an Overlay requires consent, if shown as Merit Assessable on the relevant assessment table in “Part 4” it is *Impact Assessable*.

Each of the proposed ‘dwellings-group’ are intended to be used as a separate ‘dwelling-community residence’. Sub-clause 4(a) of Clause 3.1 specifies that - where an Overlay requires consent, if shown as Permitted on the relevant assessment table in “Part 4” it is *Merit Assessable*.

Therefore, pursuant to sub-clause 4 of Clause 1.10, the Development Consent Authority, in considering the application, *must take into account all of the following*:

- (a) *any relevant requirements, including the purpose of the requirements, as set out in Part 5*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and*
- (d) *any component of the Strategic Framework relevant to the land as set out in Part 2*

No Area Plan(s) apply to the subject land or locality. The proposed development and use is consistent with the Alice Springs Regional Land Use Plan 2016 and NT Compact Urban Growth Policy.

The zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential) of the NTPS2020, and requirements listed in:

- Clause 3.6 (LSF – Land Subject to Flooding)
 - Clause 5.2.1 (General Height Control);
 - Clause 5.2.4.1 (Car Parking Spaces)
 - Clause 5.2.4.4 (Layout of Car Parking Areas)
 - Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
 - Clause 5.4.1 (Residential Density)
 - Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
 - Clause 5.4.3.2 (Distance Between Residential Buildings on One Site)
 - Clause 5.4.6.1 (Private Open Space for Dwellings- Single, Dwellings-Independent and Dwellings-Group)
 - Clause 5.4.8.1 (Building Design for Dwelling-Group, Rooming Accommodation and Residential Care Facility)
 - Clause 5.4.14 (Dwelling-Community Residence)
 - Clause 5.4.17 (Building Articulation)
- are all relevant to the subject site and proposed development and use.

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These clauses have been considered and it is found that the application (as exhibited) complied with the relevant requirements of the NT Planning Scheme 2020 except for:

- Clause 3.6 (LSF – Land Subject to Flooding)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.4.6.1 (Private Open Space for Dwellings- Single, Dwellings-Independent and Dwellings-Group)
- Clause 5.4.17 (Building Articulation)

2. Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020, *the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*

- (a) *The purpose and administration clauses of the requirement; and*
- (b) *The considerations listed under Clause 1.10(3) or 1.10(4).*

(i) Clause 3.6 (LSF – Land Subject to Flooding)

The purpose of Clause 3.6 is to - identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

The subject site is liable to inundation in a 1% AEP Defined Flood Event (riverine flooding).

The proposal has been found not to be in accordance with sub-clause 6(c) of Clause 3.6 (Land Subject to Flooding) because the proposal will result in the use of fill to achieve the required finished floor levels (finished floor levels of dwellings will need to be at least 0.35m above “ground level” and the application notes it is intended finished floor levels of the new dwellings will be ~0.45m higher than the current site level).

Sub-clause 5 of Clause 3.6 provides that - *the consent authority may consent to a use or development that is not in accordance with sub-clause 6 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.*

The Development Consent Authority considers a variation to sub-clause 6(c) in this instance is to be appropriate as the:

- amended drawings and associated documents will:
 - require boundary fencing to be upgraded such that it provides improved screening to/from adjacent residential properties (noting that the finished floor levels of the new dwellings will be ~0.45m higher than the current site level).

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- confirm that retaining walls will be used and appropriately designed and certified such that fill will be retained on Lot 377 and risk to people and property including adjoining property will be mitigated
- proposal results in the use of fill to facilitate better disability compliant access to each dwelling, compared to other forms of elevation (e.g. stairs). The application indicates that the proposed dwellings will be used for NDIS accommodation, where accessibility to and within dwellings for persons with mobility impairments etc are a critical design element.
- Alice Springs Town Council requires that standard stormwater drainage conditions be included on any permit issued.
- The proposed single storey building design and use of fill is consistent with other nearby single storey infill developments approved by the consent authority including:
 - Lots 371 & 372, 12-14 Undoolya Road
 - Lot 6464, 4 Undoolya Road
 - Lot 385, 2 Goyder Street
 - Lot 373, 16 Undoolya Road
 - Lot 449, 5 Undoolya Road

(ii) Clause 5.2.4.4 (Layout of Car Parking Areas)

Sub-clause 9(a) of Clause 5.2.4.4 specifies that -*access points to car parking areas are to:*

- (a) *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow.*

A ~13m 'pinched' section of the driveway access within/to the car parking area to Units 2 and 3 will be ~4m wide (instead of 6m) at its narrowest point, the remainder of the layout complies. The narrow section of the driveway connects to a 'parking area' containing 4 x car parking spaces which will be located under carports of each dwelling. Technically, the car parking area is for two way traffic flow.

Administratively, sub-clause 5 of Clause 5.2.4.4 provides that - *the consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

A variation to sub-clause 9(a) is granted as:

- the application was referred to the Alice Springs Town Council (controlling agency for Goyder Street road reserve) and no objections or technical comments were identified

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with regards to the position and associated width of the driveway access. Standard conditions relating to vehicle crossovers and sightlines are included on the permit to protect Councils interests.

- the verge of Goyder Street is approximately 5m wide and will allow safe passage of vehicles to/from the site to the bitumen carriageway
- It is anticipated that persons utilising the car parking area will be familiar with the layout and manoeuvring arrangements for car parking spaces. The car parking area contains car parking spaces of sufficient manoeuvring dimensions within the internal driveway;
- Any visitors or larger (delivery) vehicles are likely to park off site (eg: within the road reserve).

(iii) Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group)

The drawings provided within the application comply with area (length, width, m², “open to the sky”) requirements for each dwelling. All three dwellings are provided with rear yards that extend directly from dining/living areas, and dimensions shown on drawings for deep soil planting.

Sub clause 2(c) of Clause 5.4.6.1 requires that private open space should - *be located to provide views from the dwelling to open space and natural features of the site or locality, and to reduce overlooking from neighbouring open space and dwellings.*

The living/dining room of all dwellings have outlook (window facing) to their respective main/functional private open space area. The drawings show solid metal fencing (1.8m high above natural ground level) will be provided to all private open space boundaries.

There are natural features / vistas (eg: MacDonnell Ranges, streetscape) that could be visible from the subject site, however, the orientation/design does not appear to provide views to these (eg: views from main/functional areas of P.O.S are orientated towards the Salvation Army site (Lot 376) instead of the MacDonnell Ranges or foothills).

The fencing to the boundary of Lot 376 (Salvation Army site) does not appear to have taken into consideration potential overlooking (from private open space areas on Lot 377) which will result from filling of part/s of the site above the 1% AEP flood level (ie: overlooking from raised paved/patio areas etc towards Lot 376). Whilst mentioned briefly in the statement of effect, the drawings (as publicly exhibited) are unclear whether the fencing will be constructed at current ground level or if the

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1.8m measurement is from the P.O.S after the site has been filled.

Sub clause 2(d) of Clause 5.4.6.1 requires that private open space should – *ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the site.*

Sub-clause 1 of Clause 5.4.6.1 provides that - *the consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of clause 5.4.6.1 is to - *extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:*

- (a) of an adequate size to provide for domestic purposes;*
- (b) appropriately sited to provide outlook for the dwelling;*
- (c) open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and*
- (d) inclusive of areas for landscaping and tree planting.*

Conditions of approval require that boundary fencing to Lot 376, Lot 378 and the rear (unnamed) laneway be raised to at least 1.8m high (solid metal) above the finished ground level of the new dwellings (to mitigate against potential overlooking).

A variation to the other aspects of sub-clause 2 of Clause 5.4.6.1 are approved in this instance because:

- the development is for dwellings intended to be used as NDIS accommodation (rather than individual unit owners)
 - an architect has designed the development and consideration has been given regarding needs and demographics of intended occupants, building orientation, functionality and future maintenance
 - Alice Springs has a sub-tropical hot desert climate and rain events are generally low intensity and infrequent;
- any future application to subdivide (unit title) the dwellings will need to be assessed against NTPS2020 criteria which requires the development to be upgraded to current NTPS2020 standards.

(iv) Clause 5.4.17 (Building Articulation)

The application shows the “residential building” containing Unit 2 and Unit 3 is longer than 15m (~22.5m scaled off drawings). As a result sub-clause 4 requires that - *a step or recess to the building line of no less than 1 metre by 1 metre is*

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required for every 15m of building length or part thereof. The submitted design does not provide this required dimension specified in sub-clause 4 for the east side of the building.

Sub-clause 2 of Clause 5.4.17 provides that - the consent authority may consent to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.

The purpose of Clause 5.4.17 is to - ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.

The building containing Units 2 and 3 proposed dwellings will be visible from the ground level porches and outdoor communal open space areas of the development on the adjacent site (Lot 376, Salvation Army Hostel). The application identifies that 1.8m high fencing and landscaping (once mature) will assist with screening. The exterior walls will have a “texture render finish” with selected paint finish (Dulux® Parchment Paper Half).

Sliding doors to a bedroom and the dining room of each dwelling face towards Lot 376. The design of the dining/living rooms allows for cross ventilation. Altering the building design to comply with Sub-clause 2 of Clause 5.4.17 would provide further opportunity for cross ventilation to the bedrooms;

Alternatively, a altered design with a varied façade treatment (without the step/recess) may be expected to:

- i. break up the expanses of walls
- ii. add visual interest to the outside of the building-
- iii. still be generally consistent with the Design Guidance: Articulation referenced in the Editors Note to Clause 5.4.17 of the NTPS2020

3. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

Notification of the development application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received pursuant to section 49 of the *Planning Act 1999*.

In response to a section 48A *Planning Act 1999* notice, written service authority comment was received from the NT Fire and Rescue Service identifying concerns with respect to ensuring the building code classification

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(National Construction Code) for the proposed development (allocated as part of the *Building Act 1993* approvals process) is suitable for the ultimate operation and use of the site. Representatives from the NT Fire and Rescue Service attended the public hearing (8 November 2023) of the consent authority and spoke further to their written submission/ comments.

The consent notes that the *Building Act 1993* is the relevant Northern Territory legislation with respect to building approvals and occupancy certification issued by a registered building certifiers. An advisory note to this effect is included on the permit.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account 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 and use. Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate design and retention of retaining walls and fill on the site, management of dust and noise during construction. Conditions of approval will address Alice Springs Town Council requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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:

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site; and
- The NTPS2020 objectives and development performance criteria relating to access, works within road reserves and the provision of services/infrastructure will be complied with.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to the development complying with the permit conditions and advisory notes, the development and use (as approved) is expected to provide a good level of amenity to the future occupants of the dwellings

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without intrusion into the acoustic and visual amenity of adjacent and nearby land.

7. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The assessment of the application did not identify any declared natural, cultural or heritage values relevant to the subject site.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare Notice of Consent and Development Permit

**ITEM 3
PA2023/0303**

**CONSTRUCT AN ADDITIONAL 7 X 3 BEDROOM DWELLINGS-GROUP IN 2 X 2 STOREY BUILDINGS
LOT 9994 (59) IRRAMPENYE STREET, MOUNT JOHNS**

APPLICANT

Ant Galactic Pty Ltd

Applicant, Mr Mick Betteridge (Ant Galactic Pty Ltd) and Mr Stuart Chalmers (Zone A Pty Ltd) attended the meeting and spoke further to the application

Submitter Timothy Pearson attended the meeting and spoke further to the written submission

Interested Parties in attendance included:- Meredith Henry, Jayson Blain (Amentum Global Services), Anthony Lillicrap (Ant Galactic Pty Ltd).

**RESOLVED
23/23**

That, the Development Consent Authority vary the requirements of Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent, and Dwellings-Group) and Clause 5.4.17 (Building Articulation) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 9994, 59 Irrampenye Street, Suburb of Mount Johns, Town of Alice Springs for the purpose of 7 x 3 bedroom dwellings-group in 2 x 2 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 drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the drawings (prepared by Zone A

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Pty Ltd dated 29/08/2023) submitted with the application but modified to show/label:

- (a) Fencing arrangements (building materials, locations and height above ground level) to the boundary of Lot 9994 and the private open space boundaries of each dwelling (south side); and
- (b) The existing electricity distribution board between Units 30 and 31

Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au

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. 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.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2 and 3 for further information.
6. Confirmation shall be provided to the Development Consent Authority (in the form of an email addressed to the Power and Water Corporation) from a suitably qualified professional-confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
7. 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.
8. 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.
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:

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- (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 or otherwise suitably delineated to indicate each car space to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
 11. The landscaping works shown on the endorsed landscape plan for that stage must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, generally in accordance with the endorsed plans, to the satisfaction of the consent authority.
 12. 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.
 13. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 89994446.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

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3. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
4. 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.
5. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
6. There are statutory obligations under the Waste Management and Pollution Control Act 1998 (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>
7. For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
8. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
9. The Department of Environment, Parks and Water Security 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

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Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

10. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
11. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
12. 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.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned LMR (Low-Medium Density Residential).

The existing “dwelling-group” development and use on the site was approved vide Development Permits DP12/0375 (as varied) and DP17/0060 (as varied). Clause 5.4.4 (Extensions and Ancillary Structures to a Dwelling-Group or Development) of the NTPS2020 is not applicable as Development Application PA2023/0303 is for the construction of additional “dwellings” on the site

The proposed development and use requires consent under Clause 1.8 (When development consent is required). “Dwelling-group” (3+) is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8, and therefore, as set out in sub-clause 3 of Clause 1.10, the Development Consent Authority must take into account the following:

- (a) *the relevant requirements, including the purpose of the requirements, as set out in Parts 5;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5*

No Overlays or Area Plans are relevant to the subject site.

The zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential)), and

- Clause 5.2.1 (General Height Control)
- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.6.1 (Landscaping in Zones other than Zone CB)
- Clause 5.4.1 (Residential Density)
- Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
- Clause 5.4.3.2 (Distance Between Residential Buildings on one Site)
- Clause 5.4.6.1 (Private Open Space for Dwellings –Single, Dwellings Independent and Dwellings Group)
- Clause 5.4.8.1 (Building Design for Dwelling Group, Rooming Accommodation and Residential Care Facility)
- Clause 5.4.17 (Building Articulation)

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NTPS2020 except for:

- Clause 5.4.6.1 (Private Open Space for Dwellings Group, Rooming Accommodation and Residential Care Facility)
- Clause 5.4.17 (Building Articulation)

2. Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020 - *the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*
- (a) *The purpose and administration clauses of the requirement; and*
 - (b) *The considerations listed under Clause 1.10(3) or 1.10(4).*

Clause 5.4.6.1 (Private Open Space for Dwellings Group, Rooming Accommodation and Residential Care Facility)

The proposal has been found not to be in accordance with Clause 5.4.6.1, because the proposal does not meet the open to sky requirements as more than half of the areas allocated for Private Open Space is enclosed and does not allow for stormwater infiltration. No area is provided for deep soil planting and the proposal does not comply with table to Clause 5.4.6.1 as the dimensions are less than 4m at a total of 19m².

Administratively, sub-clause 1 of Clause 5.4.6.1 provides that - *the consent authority may consent to private open space that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of Clause 5.4.6.1 is –

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		<i>The consent authority notes that:</i>
	<i>Extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:</i>	Each of the dwellings will have access to ground level private open space via a doorway from the living room / dining room
(a)	<i>of an adequate size to provide for domestic purposes;</i>	<i>The application notes that the dwellings are for employee housing. Many of whom would be shift workers, and or on short term contracts.</i> <i>The patio areas allow enough room for small scale outdoor dining / seating.</i> <i>There are quality areas of communal open space already established on the site.</i>
(b)	<i>appropriately sited to provide outlook for the dwelling;</i>	<i>Complies - all dwellings have private open space orientated south towards Mount John / the MacDonnell Ranges</i>
(c)	<i>open to the sky and sufficiently permeable to allow stormwater infiltration and lessen runoff from the site; and</i>	<ul style="list-style-type: none"> • <i>For each dwelling, under half the private open space is "open to the sky" and of a permeable surface treatment</i> • <i>Design of development directs storm water towards retaining wall drainage system</i>
(d)	<i>inclusive of areas for landscaping and tree planting.</i>	<ul style="list-style-type: none"> • <i>No areas for "tree planting" within private open space areas for each dwelling.</i> • <i>Development provides/includes established areas of quality communal open space (does beyond the minimum standard of development as communal open space not required if development as ground floor access to private open space)</i>

The design of the private open space complies with the LMR zone:

- *purpose - as it is consistent with the streetscape and established residential amenity on the site.*
- *outcomes - as the layout:*
 - *responds to changing community needs (ie: lifestyle / demographics of typical tenants of the land owner)*
 - *provides sympathetic interface to the outlook of the MacDonnell Ranges and provides privacy between dwellings.*

The private open space is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

- The new dwellings will not overlook any nearby residential properties (affected boundary is Crown land)
- a registered architect has designed the development and consideration has been given regarding needs and demographics of intended occupants, privacy, building orientation, functionality and future maintenance.
- communal open space is provided on the subject site, conveniently accessible to each dwelling

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- high quality landscaping will be provided
- it is considered that each dwelling has private open space that is of an adequate size and layout to provide for domestic purposes.
- The allocated private open space will be similar to the existing layout of other dwelling-group developments within Lot 9994.
- The design is similar to that previously approved by the Development Consent Authority (DP12/0375 & DP17/0060) which also granted a variation to the private open space requirements.

Clause 5.4.17 (Building Articulation)

The drawings show that both proposed “residential buildings” (containing the dwellings-group) are longer than 15m.

As a result, sub-clause 4 requires that *- a step or recess to the building line of no less than 1 metre by 1 metre is required for every 15m of building length, or part thereof.*

- Building 8” containing Units 27 to 30 is 45.875m long – 3 steps/recesses required
- “Building 9” containing Units 31 to 33 is 31.99m long - 3 steps/recesses required

The ends (east and west) of each building are only 14.19m long, so Clause 5.4.17 is not applicable (for those building lines).

The application (as exhibited) seeks a complete variation to Clause 5.4.17 to allow no steps or recesses in the south side building lines (north/front building line complies).

Sub-clause 2 of Clause 5.4.17 provides that *- the consent authority may consent to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.*

The purpose of Clause 5.4.17 is to *- ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.*

A variation to Clause 5.4.17 is supported in this instance because:

- the building orientation does provide some notable changes in facade with the inclusion of parapet walling and patios that are effectively (like for like) with the same building line of the existing dwelling-groups along the southern boundary of Lot 9994.
- no expanse of blank walling is provided as part of the development with the buildings presentation split between Colorbond® roof capping and brickwork which presents an aesthetic change when viewed from the abutting Crown land.

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- The proposed design was previously approved by the Development Consent Authority in 2012 and 2017
 - Altering the building design may impact on compliance with other aspects of the NTPS2020
 - The building lines that do not comply with Clause 5.4.17 are not orientated towards public roads, they face towards vacant Crown (Lot 8112)
3. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application for “dwellings-group” was exhibited in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000* that were in force at the time of lodgement.

One public submission was received under section 49 of the Act, in opposition to the application. The applicant provided a written response to the matters raised in the submission which has been acknowledged and discussed in the report and will be considered by the Development Consent Authority together with verbal evidence provided by all parties at the public hearing (8 November 2023) of the application.

4. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.

The application identified that the existing development includes visitor car parking spaces and communal open space which exceed the minimum standards for development contained in the NT Planning Scheme 2020.

5. Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account 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 additional dwellings-group. No filling of the site will be required and the site is within an established residential subdivision. The proposed development is generally consistent with the design previously approved in 2012 and 2017. 1% AEP flood mapping indicates that the land is not liable to inundation.

Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address the Alice Springs Town Council’s requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

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6. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account 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, infrastructure or land to be provided by the developer for that purpose.

The conditions of approval and advisory notes will ensure:

- Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity and water services that apply to the development of the land; and
- The NTPS2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.

7. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed development seeks variations to building setbacks and private open space however subject to compliance with conditions of approval and advisory notes will otherwise be fully compliant with the relevant provisions of the NTPS2020.

8. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

There are no declared heritage places on the subject site or abutting land. An advisory note is included on the permit recommending the land owner and developer discuss the proposal with the Aboriginal Areas Protection Authority prior to undertaking any works on the subject site and adjacent road reserves.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare Notice of Consent and Development Permit

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



Suzanne Philip
2023.11.14
17:53:47 +09'30'

SUZANNE PHILIP
Chair
14 November 2023