



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 240 – WEDNESDAY 12 DECEMBER 2018**

**DOUBLETREE BY HILTON  
SPINIFEX ROOM  
82 BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), David Koch, Alistair Feehan, Marli Banks.

**APOLOGIES:** Jamie de Brenni

**OFFICERS PRESENT:** Peter Somerville, Benjamin Taylor, Fraser Cormack, Julie Driver, Jennie Ryan, Shannon Niland

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 10:40 am and closed at 1:15 pm**

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

**ITEM 1            FURTHER CONSIDERATION: SUBDIVISION TO CREATE 9 LOTS  
PA2016/0563    NT PORTION 6811, 69 BULLEN ROAD, SUBURB OF WHITE GUMS  
APPLICANT     URPS**

The Authority noted the applicant's request (email dated 7/12/2018) that the item be withdrawn from the agenda.

**RESOLVED**    Application remains deferred.  
**0155/18**

**ITEM 2            SUBDIVISION CREATE TWO LOT  
PA2018/0464    LOT 1039, 3 WINNECKE AVENUE, EAST SIDE  
APPLICANT     SONDOTE PTY LTD**

Richard Sankey representing the owner of the land attended the meeting and spoke further to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED**    That, pursuant to section 53(b) of the *Planning Act*, the Development Consent  
**0156/18**       Authority alters the proposed development and consents to the proposed  
development as altered to develop Lot 1039 (3) Winnecke Avenue, Suburb of  
East Side, Town of Alice Springs for the purpose of subdivision to create two  
lots, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a site earthworks and access plan/s indicating finished levels for the site and detailing site access to both lots from Winnecke Avenue is to be submitted to the consent authority for endorsement as part of this permit. The plans are to be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but:
  - a) should be designed to ensure that:
    - (i) stormwater from one proposed lot is not discharged to the other (unless to a drainage easement in favour of the Alice Springs Town Council);
    - (ii) stormwater is either retained on the individual lots or directed into the drainage network to the requirements of the relevant authority (Alice Springs Town Council); and
    - (iii) all cut and / or fill works minimise cut/fill/retaining wall works for the proposed lots; and
  - b) must be accompanied by evidence of support from the Alice Springs Town Council for endorsement as part of the permit.

Documentation responding to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, Alice Springs Branch via email to [das.ntq@nt.gov.au](mailto:das.ntq@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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Engineering design and specifications for the proposed stormwater drainage, site earthworks and vehicular access, are to be to the technical requirements of the Alice Springs Town Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
7. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
8. Written confirmation from a registered building certifier is required to be provided that the garage building on the southern-most lot has been modified such that the subdivision approved by this permit will not result in non-compliance with the *Building Act* or the National Construction Code.

### NOTES:

1. The Surveyor-General advises you should immediately make application for street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
2. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
3. This development permit does not grant "building approval" for any building works that may be required. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing any building works.
4. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.

5. 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.
6. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
7. 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.
8. 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>
9. Telstra has advised that that for any development an AFR (Application for Reticulation) is required to be lodged by the developer or an entity legally authorised to act on their behalf.
10. 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.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The land is zoned MR (Medium Density Residential) under the NT Planning Scheme and the proposed lot sizes are of a size and configuration capable of accommodating future multiple dwellings development and comply with the objectives and performance criteria contained in Part 5 of the Scheme.
2. Pursuant to section 51(j) of the *Planning Act*, the consent authority must 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 subdivision area is not affected by riverine flooding and the Department of Environment and Natural Resources has not identified any issues of concern in relation to the proposed subdivision. Without additional works, it is envisaged that part of each of the proposed lots will drain concentrated flows of stormwater onto the other lot. Condition Precedent 1 and relevant general drainage conditions are included with a view to ensuring that the lots created through the subdivision are duly accessible and drained in an orderly manner and to relevant standards.

3. Pursuant to section 51(m) of the *Planning Act*, the consent authority must 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.

The Power and Water Corporation has not identified any objections in principle to the proposed subdivision and has identified the capacity for the development to be connected to reticulated electricity, water and sewerage services. Relevant standard conditions are included on the development permit to ensure that both lots are connected to services in accordance with agency requirements and standards.

The Alice Springs Town Council has not identified any objections in principle to the proposed subdivision and has recommended standard permit conditions in relation to access and stormwater drainage. A relevant conditions precedent and general conditions are included on the development permit to ensure that both lots are drained and accessible in accordance with relevant requirements and standards.

A standard condition is included to ensure that both lots are provisioned with telecommunications services.

4. Pursuant to section 51(n) of the *Planning Act*, the 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 site is developed is presently developed with a single dwelling, that is located on the southern-most of the proposed lots. The proposed subdivision will allow the land to be developed as two separate sites in accordance with the requirements of the *Planning Act* and the NT Planning Scheme. The subdivision as approved is not expected to result in any significant amenity impact on the locality.
5. Pursuant to section 51(q) of the *Planning Act*, the consent authority must take into account for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building).

The application included a statement from a registered building certifier advising to the effect that:

- No unauthorised buildings have been constructed on the lot;

- Fire separation between the lots will comply with the National Construction Code (NCC) requirements, subject to removal of garage windows and modification of walls to comply with NCC; and
- No buildings would cease to comply with the *Building Act* if the proposed subdivision were to proceed (Note: it was assumed that this statement assumes modification of the garage (windows) to comply with the NCC).

Approval includes a general condition requiring written confirmation from a registered building certifier that the garage building on the southern-most lot has been modified such that the subdivision will not result in non-compliance with the *Building Act* or the National Construction Code.

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

**ITEM 3 INDEPENDENT UNIT ADDITION TO AN EXISTING SINGLE DWELLING WITH FLOOR AREA IN EXCESS OF 50 SQUARE METERS**  
**PA2018/0438 LOT 5990, 11 THE LINKS, DESERT SPRINGS**  
**APPLICANT ROBERT & NAHLA BITAR**

Mr Robert Bitar and Mr Samih Bitar attended the meeting in support of the application.

Submitter Mr Jhana Cowham attended the meeting and spoke further to his submission.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED** That, the Development Consent Authority varies the requirements of sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 5990 (11) The Links, Suburb of Desert Springs, Town of Alice Springs for the purpose of an independent unit with a floor area in excess of 50m<sup>2</sup>, subject to the following conditions, for the following reasons:  
**0157/18**

**CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the Development 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 are to be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified:
  - a) by raising the height of the north-facing bedroom window sill to a minimum of 1.7m above the finished floor limit of the independent unit; and
  - b) to show frosted/opaque glass to the bathroom window;
 to minimise the potential for overlooking between the bedroom of the independent unit and the private yard of adjoining Lot 5989.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, Alice Springs Branch via email to [das.ntg@nt.gov.au](mailto: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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. All air conditioning condensers (including any condenser units required to be added or replaced in the future) to the independent unit are to be appropriately screened from neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

## NOTES:

1. This development permit does not grant "building approval" for the proposed structure and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing/recommencing works.
2. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
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.
6. 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>

## 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 development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme and in the Desert Springs locality.
2. Pursuant to sub-clause 5 of clause 7.10.4 (Independent Units) of the NT Planning Scheme, the consent authority may approve an application for an independent unit that is not in accordance with sub-clause 2(b) only if it is satisfied the proposed independent unit is appropriate to the site having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties. In this instance, a variation to the maximum floor area limitation set out in sub-clause 2(b)(i) of clause 7.10.4 of the NT Planning Scheme is supported, as:
  - (a) the increased floor area will allow for a second bedroom to be included within the design of the dwelling. The design is considered to be appropriate for the site in the context of the area of the land, compliance with all other performance criteria of Part 4 of the NT Planning Scheme and footprint and floor layout of the existing single dwelling on the site;
  - (b) it is envisaged that any noise, privacy or visual (including building massing) impacts from the proposed development and use of the dwelling will be commensurate with what may be reasonably expected within the SD (Single Dwelling Residential) zone and the single storey dwelling will comply with the minimum building setbacks to all boundaries; and
  - (c) the required refinement of the design may be expected to ensure a satisfactory level of privacy between Lot 5990 and adjoining Lot 5989 is maintained;
  - (d) the independent unit will be setback 11.5m from the southern boundary, ensuring that a satisfactory level of privacy between Lot 5990 and adjoining Lot 5991 is maintained; and
  - (e) the proposed development and use of the independent unit as detailed in the application is consistent with the floor area previously approved for the site (DP15/0428 refers) and is not expected to result in any undue impact on the existing or future amenity of adjoining or nearby property on account of the variation to maximum floor area.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application, the Development Consent Authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and referred to the Alice Springs Town Council. A submission was received from the owner of an adjoining lot and raised a number of concerns at potential impacts of the proposed development on their residential amenity. The consent authority acknowledges that the construction of a building as proposed will have some impact on the visual amenity and views from adjoining Lot 5989, but does not anticipate undue amenity impacts attributable to the independent unit exceeding the 50m<sup>2</sup> floor area limitation of sub-clause 2(b)(i) of clause 7.10.4 (Independent Units) of the NT Planning Scheme. Noting



the submitter's concern at potential impacts of stormwater, the consent authority notes that the building certifier and the owner of the subject site are required to ensure that stormwater falling on the new building is managed such that it is not directed onto the adjoining property.

4. 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 proposed development is expected to provide additional residential capacity for the property, without unduly impacting on the residential amenity of the area.
5. Pursuant to section 51(m) of the *Planning Act*, in considering a development application, the Development Consent Authority must 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.
  - (a) The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site by recognising the technical requirements of service authorities in terms of electricity, sewerage and water services.
  - (b) The Alice Springs Town Council recommended permit conditions relating to stormwater drainage and site access. As the application does not propose any change to the site access and the building certifier is required to ensure that stormwater is appropriately managed, a standard note is included on the permit in relation to building approvals.
6. 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. No significant amenity impacts for adjoining properties or the locality are envisaged for reasons detailed previously in this notice.

**ACTION:** DAS to prepare a Notice of Determination

**ITEM 4**                    **FURTHER CONSIDERATION: CONSTRUCT 4 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 x 2 STOREY BUILDINGS**  
**PA 2018/0396**       **LOT 1714, 3 WILLSHIRE STREET, SUBURB OF THE GAP**  
**APPLICANT**        **MASTERPLAN NT**

Joe Sheridan (of MasterPlan NT) and Paul Graham (of Asbuild) attended the meeting and spoke to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED**        That, the Development Consent Authority varies the requirements of clause 6.5.3(3) **0158/18**        (Parking Layout), clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and clause 7.6.3 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the proposed development as altered to develop Lot 1714 (3) Willshire Street, Suburb of The Gap, Town of Alice Springs for the purpose of 4 x 2 bedroom multiple dwellings in 2 x 2 storey buildings, subject to the following conditions, for the following reasons:

## CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the Development 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with amended plans submitted on 29 November 2018, but modified to clearly show/detail:
  - a) an increased southern eave overhang or balcony coving designed to better control stormwater falling from first floor balconies;
  - b) clarifying materials, screen to gap ratio/details etc. for:
    - i. air-conditioner screening demonstrating that the screening from the adjoining lot and street may be expected to be effective; and
    - ii. balustrading designed to partially screen first floor balconies from/to adjoining Lot 1715 and adjoining dwellings on the lot as relevant and allow some air-circulation.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, Alice Springs Branch via email to [das.ntq@nt.gov.au](mailto:das.ntq@nt.gov.au).

## CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
4. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall:
  - a) remove any disused vehicle and/ or pedestrian crossovers; and
  - b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council, to the satisfaction of the consent authority.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.

8. 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 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. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
9. 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 (being the Licensed Surveyor in most instances) confirming that all new UTS 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](mailto:waterdevelopment@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to satisfaction of the consent authority on advice from the Alice Springs Town Council.
11. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscape plan must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, in accordance with the endorsed plans, to the satisfaction of the consent authority.
12. 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.
13. Before the use or occupation of each stage, 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) line marked or otherwise suitably delineated to indicate each car parking space;
  - (d) surfaced with an all-weather-seal coat;
  - (e) drained;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
14. 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.
15. The finished ground floor levels of habitable rooms of both ground floor dwellings must be no lower than 575.05m Australian Height Datum. The developer shall demonstrate compliance with this condition by providing "as constructed" finished levels confirmed by a Licensed Surveyor, of both ground floor dwellings. This condition is to the satisfaction of the Development Consent Authority.

16. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. 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.
2. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. 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.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. 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>

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the Development Consent Authority (the consent authority) must take into account the NT Planning Scheme (the Planning Scheme). The development of 4 x 2 bedroom multiple dwellings in 2 x 2 storey buildings as approved is considered to be consistent with the zone purpose statement, for Zone MR (Medium Density Residential) and the type of development that may be expected in the locality in terms of the Alice Springs Southern Area Plan:
  - a) The consent authority grants a variation to sub-clause 3 of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme with respect to minimum driveway width and parking bay width, as the parking layout is expected to facilitate safe and convenient vehicle movements to and from and within the site, without frustrating the intent of clause 6.5.3.
  - b) The consent authority grants a variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme with respect to the rear building setback of a carport, as:
    - (i) the parking area abuts a car parking area on the adjoining lot and existing solid metal fencing (>2m high) provides a visual screen; and
    - (ii) the carport is not expected to have any adverse impact on any property or the streetscape or adjacent properties on account of the reduced setback.
  - c) The consent authority grants a variation to clause 7.6.3 (Communal Open Space) of the NT Planning Scheme with respect to width and area dimensions, as the proposed open space provision in conjunction with private yards (ground floor units) and balconies (first floor units) is expected to contribute to a good level of amenity for residents.

The consent authority, in accordance with clause 2.5.4 of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted, despite non-compliance with clause 6.5.3, clause 7.3 and clause 7.6.3 of the Scheme respectively.
2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. One public submission (and supplementary submission) was received in relation to the application. The submitter is owner of adjoining Lot 1713. All matters raised in the submission have been considered and the conditions of approval may be expected to ensure that the development as approved does not unduly impact on the amenity of any other property.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The proposed development is expected to be compatible with existing and future development within the immediate locality, contribute to the range of housing available in Alice Springs and offer residents a good level of amenity.

4. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration 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. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.
5. 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 and the proposed development, as approved, is not expected to unduly impact on the amenity of adjoining properties or the locality.
6. The conditions of approval are expected to assist in reasonably ensuring:
  - a) The orderly development of the site;
  - b) Due recognition of flood related risk;
  - c) Due recognition of service authority interests;
  - d) A satisfactory level of amenity for future occupants of the dwellings; and
  - e) No material impact on the amenity of adjoining properties or the locality.

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

**ITEM 5**                    **FURTHER CONSIDERATION: 3 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 x 1 STOREY BUILDINGS**  
**PA 2018/0395**       **LOT 1434, 86 GAP ROAD, SUBURB OF THE GAP**  
**APPLICANT**        **MASTERPLAN NT**

Joe Sheridan (of MasterPlan NT) and Paul Graham (of Asbuild) attended the meeting and spoke to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED**        That, the Development Consent Authority vary the requirements of Clause 7.3.1  
**0159/18**            (Additional Setback Requirements for Residential Buildings longer than 18m) and Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the proposed development and consents to the proposed development as altered to develop Lot 1434 (86) Gap Road, Town of Alice Springs to develop 3 x 2 bedroom multiple dwellings in 2 x 1 storey buildings, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to commencement of works (including site preparation), an amended plans are to be submitted for endorsement by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the amended plans submitted by the applicant on 3 December 2018, but further amended to show boundary privacy fencing/screening to either side boundaries to a height of no less than 1.5m above the finished floor levels of the proposed dwellings

The consent authority may accept a combination of solid screening and lattice as well as planting, provided that it is satisfied that the screening will ensure a satisfactory level of privacy to occupants of the site and adjoining properties.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL, Alice Springs Branch via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

## **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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
4. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
5. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall;
  - a) remove any disused vehicle and/ or pedestrian crossovers; and
  - b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council, to the satisfaction of the consent authority.
6. 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 satisfaction of the consent authority on technical advice from the Alice Springs Town Council.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. 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 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. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

11. 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 (being the Licensed Surveyor in most instances) confirming that all new UTS 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](mailto:waterdevelopment@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
12. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscape plan must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, in accordance with the endorsed plans, to the satisfaction of the consent authority.
13. 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.
14. Before the use or occupation of each stage, 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) line marked or otherwise suitably delineated to indicate each car parking space;
  - (d) surfaced with an all-weather-seal coat;
  - (e) drained;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
15. 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.
16. Before a Certificate of Compliance can be issued and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the land title of Lot 1434 to include the following advice. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP (Annual Exceedence Probability) Defined Flood Event". Evidence of lodgement on the land title shall be provided to the satisfaction of the consent authority.
17. The finished floor levels of habitable rooms of both all dwellings must be no lower than 571.1 metres Australian Height Datum. 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 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.

2. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto: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.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. 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.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. 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
10. 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>

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, 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 revised proposal is consistent with the:
  - Planning Principles relevant residential development set out in Clause 4.1 and Clause 4.3 of the NT Planning Scheme;
  - Strategic guidance for residential development set out in the Alice Springs Regional Land Use Plan (a policy document listed in Clause 2.7 of the NT Planning Scheme); and
  - Primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the single storey design and building setbacks of the development are considered compatible with the streetscape and other infill developments in the locality.
2. Having considered the matters contained in sub-clause 5 of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres) of the NT Planning Scheme, the consent authority grants a variation to sub-clause 2(a) of Clause 7.3.1 to allow for a reduced building setback for Units 1 and 2 as:
  - a) The design of Units 1 and 2 allows for 2 recesses (outdoor patios) to break up the overall building bulk;
  - b) The building is single storey with a relatively low roof profile; and
  - c) The external wall material comprises multiple colours and textures to assist visual relief for adjoining residents.
3. The consent authority grants a variation to sub-clause 2 of Clause 7.5 (Private Open Space (POS)) of the NT Planning Scheme to allow the primary area of POS for Unit 2 to be less than the minimum dimensions required as the unit has POS/rear yard with separate access of reasonable dimensions for a two bedroom unit and with overall POS of 132m<sup>2</sup>.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was advertised in accordance with the requirements of the *Planning Act* and Planning Regulations and 2 public submissions were received. The submissions from nearby land owners expressed concerns relating to privacy, fence heights, dwelling density and private open space. The amended plans provided by the applicant in conjunction with the conditions of approval are expected to ensure a satisfactory level of privacy and amenity for future occupants as well as residents of neighbouring lots. No local authority submissions were received.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must 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 of multiple dwellings. The site is located the 1% AEP Defined Flood Area and is generally flat, finished floor levels of the dwellings will be constructed 300mm above the modelled 1% AEP flood height without the need to fill the site. The site and floor

layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use.

6. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the 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 Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and works are not to encroach into easements. The conditions of approval are intended to ensure service authority interests are duly recognised.
7. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the 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 approved development is considered to be appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, private open space areas are expected to fulfil the objectives of the scheme.
8. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority is required to take into account the public interest. The site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring that future owners / occupants of the multiple dwellings are aware of the flood liability and associated potential hazards and inconveniences.
9. Pursuant to section 51(p)(i) of the *Planning Act* the consent authority must take into consideration the public interest including how community safety though crime prevention principles in design are provided for in the application. The units (Units 1 and 3) provide some capacity for passive surveillance over the car parking area and adjoining public road reserves, thereby meeting one of the Core Design Principles contained within the Community Safety Design Guide and allows interaction and surveillance to the streetscape.

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

**ITEM 6**                    **CHANGE OF USE – COMMUNITY CENTRE (YOUTH OUTREACH CENTRE)  
WITHIN EXISTING BUILDING**  
**PA2017/0553**       **LOT 7732, 2 RAILWAY TERRACE, TOWN OF ALICE SPRINGS**  
**APPLICANT**       **ZONE A PTY LTD**

Simon Pettit of Zone A Pty Ltd attended the meeting and spoke to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED**       That, the Development Consent Authority vary the requirements of Clause 6.5.1  
**0160/18**            (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading  
Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of  
the *Planning Act*, consent to the application to develop Lot 7732, 2 Railway Terrace,  
Town of Alice Springs for the purpose of change of use to community centre and  
offices (youth outreach centre), 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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. Areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) maintained to such levels that they can continue to be used in accordance with the plans;
  - b) surfaced with an all-weather-seal coat;
  - c) drained; and
  - d) line marked or delineated to indicate each car parking space, to the satisfaction of the consent authority. The carport area to the western side of the office building must be marked with a minimum of 4 parking spaces (rather than 3 as shown on the endorsed plan).Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.  
In addition to identified car parking, the 'storage area' to the western side of the multi-purpose room/shed may be used for 'stacked' (end to end) overflow parking as and when required.
3. The landscaping shown on the drawing numbered PA05/0043/1 and endorsed as forming part of Development Permit DP05/0117 as amended through Variation of Conditions permit DP05/0117A must be maintained generally in accordance with that plan, to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity, water and sewerage facilities/services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. 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 (Railway Terrace). This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
6. Any air conditioning condensers (including any condenser units required to be added or replaced in the future) installed following the commencement of the community purpose and office use 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.
7. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the consent authority.

### NOTES:

1. The Heritage Branch of the Department of Tourism and Culture has advised that adjoining Lot 7733 is a declared Heritage Place under the *Heritage Act*. The

owner is advised to contact the Heritage Branch for details of restrictions and obligations relating to the Heritage Place.

2. A "Permit to Work Within a Road Reserve" is required from Alice Springs Town Council or the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics as relevant, before commencement of any work within a road reserve.
3. This development permit does not grant "building approval". The developer is advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works or operation of the use.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. 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.
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.

## REASONS

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 use and development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'. The proposed use is considered to be compatible with other uses in the locality and with the exception of car parking and loading bay requirements, has been assessed as being compliant with the objectives and provisions of the NT Planning Scheme.
2. A reduction of the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme to allow 18 parking spaces, including 3 'stacked' (end to end) overflow parking spaces instead of a minimum of 19 spaces is supported having regard to the matters listed under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme and recognising/noting that:
  - a) The proposal provides a National Construction Code compliant 'disabled accessible' parking space replacing 1 standard space and a non-compliant disabled accessible' space;
  - b) There is a substantial amount of publicly accessible street parking available in the immediate locality;
  - c) Proximity of a bus stop and taxi rank;

- d) The likelihood that few clients of the youth outreach centre may be expected travel to or from the site in their own vehicle; and
- e) The Development Consent Authority is not aware of any evidence to suggest that the existing on-site parking arrangements for the established use is inadequate or causing any excessive parking demand in the locality.

Pursuant to section 70(4) of the *Planning Act*, the Development Consent Authority, having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) considers it appropriate to grant a variation to Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme and not require a monetary contribution in lieu of a calculated 1 space shortfall in parking to be paid to Alice Springs Town Council.

3. A variation to sub-clause 3(c) of Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme is granted to allow 3 'overflow' parking spaces that will not be separately accessible and will need to be managed by staff if or when needed. There is limited capacity to provide additional parking on the site in a manner that complies with the Scheme and it is envisaged that stacked parking is unlikely to be required frequently, given public parking available in the locality and that few clients of the youth outreach centre are expected to drive themselves to or from the premises.
4. A variation to Clause 6.6 (Loading Bays) of the Northern Territory Planning Scheme is granted to allow an office use without a designated loading bay due to the small scale of the office use the capacity of the parking layout to reasonably accommodate safe and convenient delivery of goods.
5. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and referred to the local authority in accordance with the *Planning Act* and Regulations and no public or local authority submissions were received.
6. 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 advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves and utility services relevant to the change of use of the land and associated fitout.
7. 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 and the proposed development and use, as approved, is not expected to unduly impact on the amenity of adjoining properties or the locality.

**ACTION:** DAS to Notice of Consent and Development Permit

**ITEM 7**                      **4 x 2 BEDROOM MULTIPLE DWELLING IN TWO SINGLE STOREY BUILDINGS**  
**PA2018/0458**              **LOT 1365, 11 BALLINGALL STREET, THE GAP**  
**APPLICANT**              **ZONE A PTY LTD**

Simon Pettit (of Zone A Pty Ltd) and Job Chundunga (land owner) attended the meeting and spoke to the application. Mr Pettit tabled photographs of an existing multiple dwelling development located at 1 Ballingall Street.

Submitters Colin Weston and Elna Dry attended the meeting and spoke further to their submission.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED  
0161/18**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defers consideration of the application to develop Lot 1365 (11) Ballingall Street, Suburb of The Gap, Town of Alice Springs for the purpose of 4 x 2 bedroom multiple dwellings in 2 x 1 storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. revised design that:
  - (a) complies with the maximum dwelling density requirements of sub-clause 2 of Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme;
  - (b) achieves a closer level of compliance with the performance criteria of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme in terms of:
    - providing separate access to each car parking space; and
    - manoeuvring and car parking bay dimensions that comply with the clause
  - (c) Mitigates potential privacy and overlooking impacts in terms of locations and layout of private open space areas and windows of habitable rooms of the dwellings.
2. updated drawings to include:
  - a) Site plan, floor plan, elevations and cross-sections of the site clearly detailing the proposed development of the site, including:
    - (i) Existing Australian Height Datum (AHD) levels of the site established by a suitably qualified person (normally a licensed land surveyor);
    - (ii) 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);
    - (iii) Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights above "ground level" of the site as defined in the NT Planning Scheme;
    - (iv) Any revisions to steps or access ramps to the dwellings (that may be required on account of the finished floor levels needing to be 300mm above the 1% AEP level);
    - (v) Details of privacy screening designed/selected to minimise the potential for overlooking into dwellings and private open space areas on adjoining residential properties. Fencing should be a minimum of height 1.5m above the finished floor levels of the dwellings on Lot 1365;
    - (vi) Elevations showing dimensions and location of any supports for carports;
    - (vii) Details of any proposed batters or retaining walls for containment of fill;
    - (viii) Detail location of air conditioning units, with appropriate screening as required; and
    - (ix) Proposed locations of water and electricity meters.
2. Documentation from a suitably qualified person demonstrating that the likely effect of filling part(s) of the site (as proposed through plans to be submitted in response to Point 2 (above) on the behaviour of flood water in terms of potential

impacts on other properties, including in, but not necessarily limited to, a 1% Annual Exceedance Probability flood event. A hydrological study and report are envisaged.

NOTE: Documentation regarding likely flood impacts of the development is not required to be provided if the design is amended to achieve required floor level heights for the dwellings without excessive fill, by:

- (a) constructing the dwellings on piers/columns that will allow flood waters to pass beneath the buildings. The Authority noted the photographs (tabled by the applicant at the meeting) showing the raised footings and associated panel to gap ratio of the slatted screening of the undercroft area of a multiple dwelling development located at 1 Ballingall Street; or
- (b) if it is found that the existing "ground level" (as defined in the NT Planning Scheme) of the site is such that limited fill can be restricted to the footings of the building footprint (slab of the dwellings).

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, 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 applies to the development of the subject site. The proposal does not comply with the dwelling density control given by Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme. The density is 0.74 dwellings over the maximum permitted for multiple dwellings in Zone MD and the proposed design does not fully comply with the minimum standards contained in Part 4 of the Scheme.

The multiple dwellings (as presented in the application) design has not given adequate consideration and design response to the criteria contained in sub clause 3 of Clause 7.1.1. The required additional information is considered necessary in order for a proper consideration of the application to be undertaken, particularly reduced density that complies with the purpose and performance criteria requirements of:

- Clause 7.1.1 (Residential Density Limitations);
- Clause 6.5.3 (Parking Layout);
- Clause 6.14 (Land Subject to Flooding and Storm Surge);
- Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures);
- Clause 7.5 (Private Open Space)

of the NT Planning Scheme. \

Pursuant to sub-clause 3 of Clause 2.5 of the NT Planning Scheme, the DCA may consent to the development of land that does not meet the standards set out in Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent. Deferral of the proposal will give the applicant opportunity to identify special circumstances to justify the variations sought to the NT Planning Scheme.

2. The application as submitted is not considered to provide sufficient information to enable a full and proper assessment against the matters contained in section 51 of the *Planning Act*.
3. The Development Consent Authority:



- a) Envisages granting consent to a proposal for multiple dwellings on the site subject to:
  - (i) A suitably amended/refined design that:
    - Complies with dwelling density limitations (Clause 7.1.1 of the Scheme)
    - does not require fill; or
    - is demonstrably (to the satisfaction of the consent authority) unlikely to unduly impact on other properties by modifying flood water behaviour in a 1% AEP defined flood event; and
  - (ii) Relevant conditions on a permit; and
- b) Notes that its preference is for no fill; and (if fill is proposed), limiting fill to the footprints of the dwellings, thereby minimising the potential for modifying water behaviour in a 1% AEP defined flood event.

**ACTION:** DAS to prepare Letter of Deferral

**ITEM 8**                    **ALTERATIONS AND ADDITIONS TO AN EXISTING LIGHT INDUSTRY TENANCY (UNIT 2) INCLUDING VERANDAH ADDITION AND EXTENSIONS TO MEZZANINE LEVEL**  
**PA2018/0461**       **LOT 9211, 61 SMITH STREET, SUBURB OF CICCONE**  
**APPLICANT**       **SCOPE BUILDING NT PTY LTD**

Peter Walsh and Shane McCullagh attended the meeting and spoke to the application.

Dilip Nellikat attended on behalf of the Alice Springs Town Council and provided comment in relation to the application.

**RESOLVED**       That, the Development Consent Authority pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9211, Unit 2, 61 Smith Street, Suburb of Ciccone, Town of Alice Springs for the purpose of alterations to an existing light industry tenancy including a verandah addition and extensions to the mezzanine level, subject to the following conditions:  
**0162/18**

**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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.

**NOTES:**

1. 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.

2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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 to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. The Environment Protection Agency of the Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
5. 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 reserve.
6. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserve(s) is subject to approval and shall meet all requirements of the Alice Springs Town Council, and at no cost to the Council.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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.

## **REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act*, 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 development is consistent with the purpose of Zone SC (Service Commercial) of the NT Planning Scheme, being to provide for a range of commercial activities and the alterations to the tenancy have been assessed as compliant with all provisions of Part 4 of the Scheme.
2. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the 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 Power and Water Corporation has advised that connections to and upgrading of power, water and sewer services are to be carried out in accordance with that agencies technical requirements and works are not to encroach into easements. The conditions of approval and advisory notes are intended to ensure service authority interests are duly recognised.

3. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Works associated with the development will be carried out within the entitlement area of Unit 2 and will not impact upon the development approved by DP18/0368. The verandah / shade structure will be constructed of materials and colours that will blend in with the existing buildings on site.
4. The application was subject to public exhibition in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

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

**ITEM 9**                    **FURTHER CONSIDERATION: 17 X 2 BEDROOM MULTIPLE DWELLINGS IN 6 x 1 STOREY BUILDINGS**  
**PA2018/0339**        **LOT 10742, 52 PALM CIRCUIT, TOWN OF ALICE SPRINGS**  
**APPLICANT**        **AUSTRALIAN PROPERTY PROJECTS PTY LTD**

Ken Patterson (representing Australian Property Projects Pty Ltd) attended the meeting and spoke further to the application.

**RESOLVED**        That, pursuant to section 53(c) of the *Planning Act*, the Development Consent  
**0163/18**                Authority refuse to consent to the application to develop Lot 10742, 52 Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of 17 x 2 bedroom multiple dwellings for the following reasons:

1. Pursuant to section 51(a) of the *Planning Act*, 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:
  - a) The subject land is zoned TC (Tourist Commercial) under the NT Planning Scheme. *The primary purpose of Zone TC is to provide for uses or development servicing tourism, including commercial and residential activities.* The application seeks permission to develop the land for the purposes of multiple dwellings, such use being a discretionary use under the applicable terms of Zone TC. The Authority noted the attendance of Mr Patterson on behalf of the Applicant and his extensive submissions on its behalf.  
 The consent authority determined that, pursuant to the requirements of:
    - sub-clause 2 of Clause 5.10 (Zone TC);
    - sub-clause 3 of Clause 7.1.1 (Residential Density Limitations);
    - sub-clause 3 of Clause 2.5 (Exercise of Discretion by the Consent Authority) of the Scheme, and section 52(1)(b) of the *Planning Act*,
 a variation to Clause 7.1.1 could not be supported.
  - b) The proposal does not comply with the dwelling density control given by Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme and the development of multiple dwellings is considered to be an overdevelopment, not giving adequate consideration and design response to the criteria contained in sub clause 3 of Clause 7.1.1.
    - i) The site has an area of 5730m<sup>2</sup>, Table C to Clause 7.1.1 gives a density control for single storey buildings at 400m<sup>2</sup> for multiple

dwellings on land zoned TC in Alice Springs. Based on Clause 7.1.1, the proposed development of 17 multiple dwellings would require a site area of 6800m<sup>2</sup>. This means that the dwelling density exceeds what is allowable by the Northern Territory Planning Scheme by 2.67 dwellings.

- ii) While subclause 3 of 7.1.1 gives the Authority power to consent to a development that is not in accordance with the prescribed density for a zone, the Authority must be satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the clause purpose as outlined in sub-clause 1 of 7.1.1. That sub-clause provides :

*1. The purpose of this clause is to ensure that residential development is:*

*(a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and*

*(b) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.*

- iii) The Authority acknowledged that, with regard to the objectives outlined in sub-clause 1 of Clause 7.1.1, service authority comments from the Power and Water Corporation indicate that the proposed change of use and density is compatible with the existing and planned provision of reticulated services which service the area, subject to the developer complying with standard technical requirements. Current flood mapping indicates that the subject site is not liable to inundation in a 1% AEP Defined Flood Event. The site is not a declared heritage place and the Department of Environment and Natural Resources did not identify any land capability constraints with respect to drainage, slope or soil characteristics. However, the Authority was not satisfied that compliance with those factors indicated that the density of the development is appropriate. The Authority noted Mr Patterson's submissions in relation to the Applicant's views as to the economic impact of reducing the number of dwellings to comply with density requirements of Zone TC, or rezoning the land to MD, but considered those matters were not relevant to consideration of Clause 7.1.1 and did not mitigate the amenity issues referred to in the following reasons. The Authority considered that the increased density failed to account for the various site constraints including its proximity to an existing shop and service station.

- 2. Pursuant to section 52(1)(a) of the *Planning Act*, the Development Consent Authority must not consent to a proposed development under section 53 if in its opinion, the proposed development is contrary to a planning scheme provision referred to in section 9(1)(a) of the Act.

Part 2 (Clause 4.0) of the Scheme lists a number of planning principles and framework to ensure that a use or development or proposed use or development

is consistent with them. The Planning Scheme requires a consent authority to make determinations of development applications in a manner that, if not actively advancing those principles, is consistent with them or would not frustrate achievement of those principles.

Clause 4.1, of the NT Planning Scheme provides planning principles and a land use framework map for the Northern Territory. Subclause (d) of this clause states that:

*The administration of this planning scheme is to:*

*(d) ensure development does not unreasonably intrude on or compromise the privacy of adjoining residential uses and ensures its own amenity is not compromised in the future.*

Sub-clause 2 of Clause 5.10 (Zone TC – Tourist Commercial) specifies that: *Development should be of a scale and character compatible with uses or development nearby.*

The authority considered that the application and response to the deferral provided by the applicant did not adequately address the amenity impacts of the proposed use within Zone TC. The proposed development creates substantial reverse sensitivity issues, as the amenity of a number of the proposed dwellings on Lot 10742 could be compromised due to the existing shop and service station use. The Authority noted Mr Patterson's comments in relation to the current conduct of those businesses but, even if the Authority accepted that businesses are currently run in a manner which will minimise impact on the abutting dwellings, the potential for changing operations and built form of the adjacent land (Lot 10741) to a number of more intensive discretionary uses within Zone TC, persuaded the Authority that the impact on amenity was unacceptable.

The Authority also noted that there is no area plan or planning scheme amendment to rezone the land currently proposed for this area. This suggests that it is not an area identified for land use change anytime in the near future and is expected to continue to provide suitable land for tourist commercial purposes, further confirming that the multiple dwelling development is not a suitable use as presented in the application format.

3. Pursuant to section 51(n) of the *Planning Act*, 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 design of Units 1 to 7 gives a poor amenity outcome for future occupants of the multiple dwellings and for the surrounding area in terms of interface and acoustic and visual separation to the existing shop and service station located on the abutting land (Lot 10741).

**ACTION:** DAS to prepare a Notice of Refusal

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

**SUZANNE PHILIP**  
Chair

21 December 2018