



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

**MEETING No. 273
WEDNESDAY 14 SEPTEMBER 2022**

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Chay Garde, Benjamin Taylor, Kieran Marsh, Jennie Ryan

COUNCIL REPRESENTATIVE: Opat Innuan, Noriel Ros

Meeting opened at 10:45 am and closed at 11:40am

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 RE-CONSIDERATION – DWELLING-MULTIPLE (4 X 2 BEDROOM) IN 1 X 2 STOREY BUILDING
PA2022/0121 LOT 1689 (13) TELEGRAPH TCE, SUBURB OF THE GAP
APPLICANT ZONE A PTY LTD

Stuart Chalmers (Zone A Pty Ltd) and Andrew Kerr (Auscon NT Pty Ltd) attended the hearing and spoke further to the application. The submitter did not attend the hearing.

RESOLVED 20/22 That, the Development Consent Authority vary Clause 5.4.7 (Communal Open Space) 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 1689 (13) Telegraph Terrace, The Gap, Town of Alice Springs for the purpose of 4 x 2 bedroom dwellings-multiple in a 2 storey building, 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. 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 parking spaceto the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
3. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
4. The private open space areas of each ground level dwelling shall be screened on each boundary by the erection of a solid wall or screen fence not less than 1.8 metres high above finished ground level on Lot 1689.
5. 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.
6. 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.

7. 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.
8. Storm water is to be collected and discharged into the drainage network to the technical standards of and at no cost to Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
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. 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.
11. 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 plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 4, 5 and 6 for further information.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
14. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) undertake reinstatement works;all to the technical requirements of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
15. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
16. Any proposed work (including the provision or connection of services) within, or impacting upon the Telegraph Terrace road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

17. Construction and associated delivery vehicles shall not be parked on the Telegraph Terrace road reserve.
18. The loads of all trucks entering and leaving the site of works are to be constrained in such a manner as to prevent the dropping or tracking of materials onto NT Government controlled road reserves. This includes ensuring that all wheels, tracks and body surfaces are free of mud and other contaminants before entering onto the sealed road network. Where tracked material on the road pavement becomes a potential safety issue, the developer will be obliged to sweep and clean material off the road. This condition is to the satisfaction of the consent authority on technical advice from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
19. 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. A Certificate of Compliance (section 65 of *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained.

NOTES:

1. 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.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5346 (surveylandrecords@nt.gov.au).
3. 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.
4. 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.
5. 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

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>
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) 89994446.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 NT Planning Scheme 2020 applies to the land which is zoned MR (Medium Density Residential).

The proposed development and use requires consent under Clause 1.8 (When development consent is required) as "Dwelling-Multiple" is identified as 'merit assessable' under sub-clause 1(b)(i) of Clause 1.8, and therefore 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*
- (d) *if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Part 5*

No Overlays are relevant to the subject site or type of development proposed. The Alice Springs Central Area Plan applies to the land, the land use and form of development is consistent with the objectives of the Area Plan, and the document which supports infill development and identifies the public open space and other community facilities available in the locality.

The zone purpose and outcomes of Clause 4.4 (Zone MR (Low-Medium Density Residential), and

- Clause 5.2.2.1 (General Height Controls in Alice Springs);
- Clause 5.2.4.1 (Parking Requirements)
- Clause 5.2.4.4 (Parking Layout)
- Clause 5.2.6 (Landscaping)

- Clause 5.4.1 (Residential Density Limitations)
 - Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
 - Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height)
 - Clause 5.4.6 (Private Open Space)
 - Clause 5.4.7 (Communal Open Space)
 - Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility)
- are all relevant to the proposed “dwelling-multiple” development on the subject site.

These clauses have been considered and it is found that the proposal (as altered in the response to the deferral) complies with the relevant requirements of the NT Planning Scheme 2020 except for Clause 5.4.7 (Communal Open Space).

The proposed land use and design is consistent with the Zone Purpose statement for MR, which is to - *provide for a range of mid-rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development.*

Clause 5.4.7 (Communal Open Space)

As specified in sub-clauses 1 and 3 of Clause 5.4.7- because Units 3 and 4 are dwellings that do not have direct and independent access to private open space at ground level, the development on Lot 1689 is required to provide a minimum of 15% (ie: 131m²) of the site as “communal open space”, being not less than 6m wide at any point.

The application (as amended) requested a variation to sub-clause 3 of Clause 5.4.7 to allow no communal open space on the subject site.

Under sub-clause 5 of Clause 1.10, *the consent authority may consent to a proposed use or development that is not in accordance with a requirement set out in Part 5 only if it is satisfied that the variation is appropriate having regard to:*

- *the purpose and administration clauses of the requirement; and*
- *the considerations listed under clause 1.10(3).*

There is no administrative statement within Clause 5.4.7 to inform the exercise of discretion of consent.

The purpose of Clause 5.4.7 is to - *ensure that suitable areas for communal open space are provided for dwellings-group, dwellings-multiple, residential care facilities and rooming accommodation.*

Common property areas within the site will be limited to the access driveway, car parking bays and associated edge planting, utility meters, and landscaping (planting) adjacent to mail boxes.

The application (as amended) noted that each dwelling is provided with compliant (m²) private open space areas that provides sufficient room for outdoor activities.

It is noted that the Zone Purpose statement for MR is to - *provide for a range of mid-rise housing options close to community facilities, commercial uses, public transport or open space, where reticulated services can support medium density residential development.*

In an Alice Springs context, the:

- site is located within convenient walking or cycling distance to the hospital, aquatic centre, Traeger Park, quality public open space areas (eg: Stuart Terrace neighbourhood park), footpath networks and the CBD grid:
- location of the property and dwelling design and site layout is likely to be attractive to professionals (eg: doctors or medical students at the hospital or nearby clinics etc) who may be looking for modern, low maintenance accommodation for short term contracts.

The provision of communal open space for a low dwelling yield (4 dwellings) would also reduce private open space for the individual dwellings and burden any future body corporate in terms of costs, management and maintenance logistics.

2. 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 “dwelling-multiple” 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. The submission was in opposition to the application. The submitter did not attend the original hearing of the application (08/06/2022 meeting). The application was deferred and the applicant has subsequently amended the design to achieve a higher level of compliance with the NTPS2020 including increased building setbacks, redesign of private open space and associated screening, upgrading of fencing. The submitter did not attend the second hearing of the application following deferral (14/09/2022 meeting). The matters raised in the written submission which have been acknowledged and discussed in the reports considered by the Development Consent Authority.

3. 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 (as amended) identified that, with the exception of communal open space, the development is able to exceed many of the minimum standards for development contained in the NT Planning Scheme 2020, in particular building setbacks and private open space.

4. 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 of the dwellings-multiple. No filling of the site will be required and the site is within an established residential subdivision. The existing dwelling the lot (built in the 1960's) will be demolished. 1% AEP flood mapping indicates that the land is not liable to inundation.

Conditions and advisory notes included in a development permit are expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address the Department of Infrastructure, Planning and Logistics' requirements in terms of access, works/impact on the adjacent road reserves and storm water drainage.

5. 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 connections to and upgrading of storm water drainage, vehicle access, sewerage, 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.

6. 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.

It is reasonable to expect that the proposed development will impact on the existing amenity of the area in terms of increased traffic and residential density. The land has been zoned MR – Medium Density Residential (or its precursors under previous planning scheme) since the 1980s. Density, height and infill development are also matters that were considered prior to the release of the Alice Springs Regional Land Use Plan 2016 and therefore the subject lot is considered capable of supporting a medium density residential development.

The proposed development seeks variation to the requirement to provide communal open space for the dwellings on the site, subject to compliance with conditions of approval and advisory notes, the development will otherwise be fully compliant with the relevant provisions of the NTPS2020.

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*.

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: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 2 OUTBUILDING (SHED/GARAGE AND ATTACHED CARPORT WITH ROLLER DOOR) ADDITION TO DWELLING-SINGLE WITH REDUCED BUILDING SETBACKS TO PRIMARY AND SECONDARY STREET BOUNDARIES
PA2022/0241 LOT 5864 (36) THE FAIRWAY, SUBURB OF DESERT SPRINGS
APPLICANT SARAH & DARREN CONNOR

Mrs Sarah Connor attended the meeting and spoke further to the application.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act 1999* the Development
21/22 Consent Authority defers consideration of the application to develop Lot 5864 (36)
The Fairway, Suburb of Desert Springs, Town of Alice Springs for the purpose of
an outbuilding (shed/garage and attached carport) addition to a dwelling-single
with reduced building setbacks to primary and secondary street boundaries,
subject to the applicant submitting the following information that the consent
authority considers necessary to enable proper consideration of the application:

- A response from the applicant is requested:
 - i. showing amendments to the design / siting of the building(s) to reduce the visual impact as presented to the streetscape. The re-design could include a combination of:
 - reducing the building footprint, length and expanse of the structures;
 - reducing the visual bulk and building massing of the structures through use of building materials and colours (eg: patterned façade, roof pitch and wall heights)
 - demonstration within drawings of how the proposed development will be visually consistent with the streetscape (eg: colours and building materials integrated with design of dwelling-single)
 - ii. explaining how the siting and design of the proposed structure/s (presented to the DCA for further consideration) is consistent with the purpose statement of Clause 5.4.3 of the Scheme and associated administration criteria (sub-clause 1)
 - iii. detailing the need for the outbuilding to have such a reduced building setback to the primary street boundary and explaining why alternatives including:
 - a smaller shed with compliant building setbacks;
 - an extension to (and/or remodeling of) the footprint of the existing-dwelling single; or
 - constructing a shed/garage and or carport in the western side of the site

would not achieve the land owner's requirements;

- Details of any screening and/or landscaping on the site to be retained or proposed between the new buildings and the street boundaries to lessen the visual bulk (of the outbuilding).

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 land is within Zone LR (Low Density Residential) of the NT Planning Scheme 2020 (NTPS 2020) 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 include:

- Outcome 4 - *dwellings and outbuildings are setback in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development; and*
- Outcome 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.*

The development requirements of “Part 5” of the NTPS 2020 include Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures). The purpose of Clause 5.4.3 is to - *ensure that residential buildings and ancillary structures are located in a manner that:*

- is compatible with the streetscape and surrounding development including residential buildings on the same site;*
- minimises adverse effects of building massing when viewed from adjoining land and the street;*
- avoids undue overlooking of adjoining properties; and*
- facilitates breeze penetration through and between buildings.*

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.*

Sub-clause 1 (Administration) of Clause 5.4.3 specifies - *the consent authority may consent to a development that is not in accordance with sub-clause 5 (of Clause 5.4.3) only if it is satisfied that the reduced setback 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 Authority noted that the streetscape (of The Fairway and Range Crescent):

- did not feature any approved steel “kit” sheds/garages with reduced building setbacks to street boundaries;
- includes mature landscaping in the front yards, single storey buildings and few fences on street boundaries;

Deviating this established character and building setback line, combined with the:

- dimensions (length to street frontages, wall and apex height); and
- absence of design articulation (eg: façade treatment, colours, reduction of visual bulk)

of the proposed structures would not be consistent the purpose of Clause 5.4.3 (and administration criteria outlined in sub-clause 1).

Deferral of the proposal will give the applicant opportunity to reconsider the design response to the objectives and purpose statements contained in the NT Planning Scheme 2020 and to allow for the applicant to present an amended proposal for consideration.

2. The application as submitted is not considered to provide sufficient information to enable a full and proper assessment of the application against the matters contained in section 51 of the *Planning Act 1999*.

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS DIPL to prepare letter of deferral

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

SUZANNE PHILIP
Chair

18 September 2022