



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 271 – WEDNESDAY 8 JUNE 2022

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Jimmy Cocking and Allison Bitar

APOLOGIES: Dr Deepika Mathur

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Chay Garde, Benjamin Taylor, James Calder and Jennifer Ryan
(Development Assessment Services)

COUNCIL REPRESENTATIVE: Apology

Meeting opened at 10.45 am and closed at 11.55 am

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

ITEM 1
PA2022/0121 DWELLING-MULTIPLE (5 x 2 BEDROOM) IN 1 x 2 STOREY BUILDING
LOT 1689 (13) TELEGRAPH TERRACE, THE GAP, TOWN OF ALICE SPRINGS
APPLICANT Zone A Pty Ltd

Aaron Hester (Zone A Pty Ltd) and Andrew Kerr (Director, AusConNT NT) attended.

RESOLVED
12/22 That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 1689, 13 Telegraph Terrace, The Gap, Town of Alice Springs for the purpose of dwellings-multiple (5 x 2 bedroom) in 1 x 2 storey building 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. Drawings generally consistent with the design concept submitted with the publicly exhibited application but amended/supplemented to
 - (a) demonstrate compliance with the performance criteria listed in Clause 5.4.1 (Residential Density Limitations) of the NTPS2020.
 - (b) improve the design of the car parking spaces/layout to achieve compliance with the purpose and administration criteria of Clause 5.2.4.4 of the NTPS2020 - if the “tandem” car parking design is to be pursued for some spaces, the applicant be required to provide:
 - written advice from a suitably qualified person confirming that the parking layout complies with Australian Standards for off-street parking, to ensure that the car parking spaces and associated access (vehicle and pedestrian) is appropriately designed and constructed for its intended purpose.
 - (c) demonstrate full compliance with all performance criteria and design objectives listed in Clause 5.4.3 and Clause 5.4.8 of the NTPS2020. Updated drawings need to:
 - include cross sections and longitudinal sections indicating existing “ground level” (see NTPS2020 definition) of the site, finished ground levels of private open space and driveway areas, finished floor levels, apex building height;
 - demonstrate that the development includes appropriate noise attenuation measures to mitigate against exposure to traffic noise from Telegraph Terrace.
 - show improvements (balustrading / screening) to south facing balconies and stairs to provide visual privacy to the occupants of Lot 1690
 - label details of balcony (private open space) screening including building materials, colours and panel to gap ratio (of screening)
 - show external finishes (building materials and colours) of all aspects of the proposed dwellings (walls, roofs, balconies, stairways, privacy screens)

- label proposed building materials of party walls between dwellings (to verify noise attenuation properties)
- label sill heights of upper floor windows
- label that opaque glass will be used for bathroom windows
- verify glazing treatment of windows (with the objective of minimising use of reflective surfaces)
- include a “roof plan” of the proposed development
- show locations and dimensions of roof eaves, gutters, downpipes (locations), internal drainage of balconies and coving on the edge of balconies (labelled on drawings)
- show location of water and electricity meters (location and clearance dimensions shown on the site and landscaping plans, ensuring accessibility for servicing and meter reading)
- label garbage bin storage arrangements for the development on the site plan
- height of proposed boundary fencing in relation to proposed site levels with all fencing a minimum of 1.8m above the finished ground level (if existing fencing is to be retained, plans should correctly identify the minimum fence height above proposed ground level);
- label building setback distances for all structures (see matters identified in DAS Technical Assessment, to be clarified on updated drawings)
- include the detailed landscaping plan (referenced in the Statement of Effect that was publicly exhibited).

2. Technical comments from the:

- Alice Springs Town Council;
- Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics; and
- Power and Water Corporation (Water and Sewer)

verifying whether those agencies have no objections in principle to the proposed design and whether standard conditions can address their requirements. Where relevant, drawings should be updated to include any required design refinements (eg: access dimensions, sightlines, utility meters, common property dimensions).

REASONS FOR THE DECISION

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). “dwelling-multiple” is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8 of the NTPS2020, and therefore pursuant to sub-clause 3 of Clause 1.10,

the Development Consent Authority must take into account all of 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*

The application (as publicly exhibited) has not properly addressed the requirements of “Part 5” of the NTPS2020 in terms of residential density limitations, design response, details shown on drawings (to demonstrate full compliance), identification of variations being sought to “Part 5” requirements and how those variations may comply with sub-clause 5 of Clause 1.10 of the NTPS2020.

A public submission has been received in opposition to the application, identifying that the design does not comply with the design and amenity requirements listed in Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility) of the NTPS2020.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, 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.

Prior to determining the application, technical comments are required from the Alice Springs Town Council, the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and Power and Water Corporation (Water and Sewer) to ensure:

- the Development Consent Authority is aware of what those agencies’ interests are and that they are duly recognised in the design and any decision made by the Authority in terms of storm water drainage, vehicle access, sewerage and water services that apply to the development of the land; and
- The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.
- The “purpose” of Clause 5.4.1 of the NTPS2020 is met in terms of “ensuring *that the development of a residential building is of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area*”

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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.

In considering the potential impact on amenity the Authority will refer to the purpose and administration statements listed in “Part 5” of the NTPS2020 as well as the definition of amenity within the *Planning Act 1999* which states that “*amenity* in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.”

6. 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.

A public submission (complying with section 49 of the *Planning Act 1999*) was received in opposition to the application. Deferral of the application will allow the applicant to respond to the matters identified in the submission, including demonstrating to the Authority how the proposed design will comply with the technical requirements and amenity considerations listed in “Part 5” of the NTPS2020 (relevant to a “dwelling-multiple” development in Zone MR).

ACTION: Notice of Deferral

FOR: 4

AGAINST: 0

ABSTAIN: 0

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

SUZANNE PHILIP
Chair

15 June 2022