

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 245 – WEDNESDAY 10 JULY 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck,
Jamie de Brenni, Marli Banks

APOLOGIES: Dr Deepika Mathur

OFFICERS PRESENT: Benjamin Taylor, Fraser Cormack,
Jennie Ryan, Shannon Niland

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:05 am and closed at 11:05 am

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 INDEPENDENT UNIT WITHIN A DEFINED FLOOD AREA WITH A FLOOR AREA IN EXCESS OF 50M². GARAGE AND VERANDAH ADDITIONS TO SINGLE DWELLING WITH REDUCED BUILDING SETBACKS TO FRONT AND SIDE BOUNDARIES
PA2019/0171 LOT 411, 29 LINDSAY AVENUE, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS
APPLICANT ZONE A PTY LTD

Douglas Baille and Stuart Chalmers (Zone A Pty Ltd) attended the meeting and spoke further to the application.

Submitter Judith Buckley attended the meeting and spoke further to the submission.

Mr Dilip Nellikat (Alice Springs Town Council) provided a supplementary comment on the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
0066/19 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause 7.3.2 (Distance Between Residential Buildings on One Site) and Clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 411, 29 Lindsay Avenue, Suburb of East Side, Town of Alice Springs for the purpose of an Independent Unit within a defined flood area with a floor area in excess of 50m² and garage and verandah additions to a single dwelling with reduced building setbacks to front and side boundaries, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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. NOTE: no more than one electricity, water and sewer connection to Lot 411 is permitted.
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. Any new (or alterations to existing arrangements) to the kerb crossover/s and driveway/s (works within the road reserve/s) to the development approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
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. This condition is to the satisfaction

of the consent authority on technical advice from the Alice Springs Town Council.

6. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council to the satisfaction of the consent authority.
7. The finished floor levels of "habitable rooms" of the "independent unit" shall be no lower than 577.3 metres Australian Height Datum (AHD). The developer shall demonstrate compliance with this condition by providing "as constructed" finished floor levels (certified by a Licensed Surveyor) for the independent unit. Levels should be provided for a minimum of 2 points on the finished floor of the independent unit. This condition is to the satisfaction of the Development Consent Authority.
8. The car parking spaces shown on the endorsed plans must be available at all times for the use of the occupants of the development and their visitors.

NOTES:

1. This development permit does not grant "building approval" for the proposed demolition of existing buildings and proposed new development works. 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 construction works.
2. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.
3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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. A "Permit to Work Within a Road Reserve" will be required from Alice Springs Town Council for works with the Palm Circuit road reserve, or similar from the Department of Infrastructure, Planning and Logistics in respect to Lot 8164 (Crown land), before commencement of any work within or adjacent to respective lands.
5. 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 in order to

determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

6. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
7. 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.
8. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates. The independent unit and additions to the single dwelling are considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the NT Planning Scheme and the mixed built form and character of existing developments within the wider Lindsay Avenue locality.
2. The subject site is identified on current flood mapping as being liable to inundation in a 1% AEP Defined Flood Event. Habitable rooms of the new independent unit and extension to the single dwelling will be built 300mm above the modelled flood height without the need for filling the site. The development is therefore considered to be consistent with the purpose and performance criteria of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme.
3. A variation is granted to the primary street and side (north) boundary setback requirements of Clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme as:
 - The location of the proposed garage on the site is level, currently a gravel surface and the reduced building setback distance (to the street and side boundary) enables convenient access between the garage and the single dwelling and independent unit;
 - the position of the structure on the site and associated reduced building setback distances will enable:
 - retention of the existing kerb crossover and vehicle access to the site;
 - sufficient fire separation from the single dwelling and garage;

- access (for pedestrians, domestic machinery, deliveries etc) to the rear yard of the site and proposed independent unit to be maintained
- The footprint of the single dwelling (and associated extensions), position of the existing driveway, established landscaping within the rear yard are site constraints that limit design options;
- the garage is of a height and roof pitch compatible with the existing single dwelling and has no windows to the northern side and is therefore not expected to have any adverse privacy impact on adjoining properties;
- the road reserve in front of the site is 18.3m wide and the site is opposite an area of public open space (Lot 425) this separation from other properties combined with established landscaping within the road reserve will minimise the visual bulk of the garage;
- the selected dimensions of the garage allow for two vehicles be parked side by side within the structure and associated clearance distances;
- the zero side setback of the structure to the north boundary will be integrated (colour and building materials) with a new 1.8m high wall to be constructed along that boundary;
- landscaping both on the site and adjacent properties is expected to assist with screening the structure from adjacent dwellings and the streetscape;
- there were no store rooms located within the floor layout of the existing dwelling and the garage will provide additional storage space for bicycles, camping equipment and other household items owned by the residents of the dwelling.
- The verandah is an open sided structure and will be partly screened by a solid wall. The non-compliant building setback relates to one support column;
- the proposed garage location is adjacent to an undeveloped area of the adjoining lot (driveway / landscaped area of a single dwelling development on Lot 412) and is not expected to cause any undue overlooking or building massing on account of the reduced building setbacks.

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

4. A variation to the maximum floor area limitation set out in sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme is supported, as having regard to sub-clause 5 of Clause 7.10.4, the proposed development and use of the independent unit as detailed in the application is not expected to result in any significant impact on the amenity of adjoining or nearby properties in terms of noise, privacy or visual impacts and is appropriate to the site.
5. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any proposed amendments to such a planning scheme:
 - (i) that have been or are on exhibition under Part 2, Division 3;
 - (ii) in respect of which a decision has not been made under Part 2, Division 5; and
 - (iii) that are relevant to the development proposed in the development application;

Pursuant to section 27 of the *Planning Act 1999*, proposed Planning Scheme Amendment PA2017/0203 was on public exhibition from 31 May 2019 to 28 June 2019. PA2017/0203 seeks to amend Clause 7.5 (Private Open Space) of the NT Planning Scheme to clarify the purpose of the clause and introduce greater design flexibility for single dwellings on small lots.

An assessment of the development application against the proposed amendments to Clause 7.5 (Private Open Space) of the NT Planning Scheme is identified that the private open space arrangements proposed within the development application will be able to comply with the minimum dimension, area, surface treatment and “open to the sky” criteria proposed within PA2017/0203.

6. Pursuant to section 51(e) of the *Planning Act 1999*, 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. One public submission was received during the exhibition period under Section 49 of the *Planning Act 1999* with respect to the proposal. In considering the application, the authority has taken into account the information contained in the application, written submission, assessment against section 51 *Planning Act 1999* matters and the evidence given at the 10/07/2019 Development Consent Authority hearing by the applicant and submitter. The Authority noted the submitter’s concerns about the disruption caused by the early start of construction works and recommended that appropriate notice be given to neighbouring residents if any future early morning works are necessary.
7. Pursuant to section 51(j) of the *Planning Act 1999*, 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 land is reasonably flat and identified as being liable to inundation in a 1% AEP Defined Flood Event, however, finished floor levels of “habitable rooms” will be built above flood level without the need for substantial fill. The surrounding area has been developed for residential purposes and a single dwelling has been established on the site for over 50 years. As such, the land is considered capable of supporting the proposed development. The Department of Environment and Natural Resources have not identified any concerns with the proposal.
8. Pursuant to section 51(m) of the *Planning Act 1999*, 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, 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 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, vehicle access, storm water drainage, electricity, sewerage and water services that apply to the development of an independent unit and extensions to a single dwelling of the land.

9. Pursuant to section 51(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:
- the development is considered appropriate to the site and locality, and the design of the structures (height, roof pitch, colours, blockwork building materials) combined with existing landscaping and proposed fencing upgrades on the site are expected to limit the impact on the surrounding area;
 - the position of the proposed garage is opposite an area of public open space (Lot 425) and will abut driveway and landscaped area on adjacent Lot 412 (the northern side neighbour). No windows will face this boundary and the garage and fence upgrades will improve privacy for users of the front yard of Lot 412 in terms of visual screening;
 - No loss of amenity to the street or adjoining lots is expected on account of the reduced building setbacks.
10. Pursuant to section 51(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The subject site has no declared heritage value, however, there are registered sacred sites within Lot 8164 (abutting Crown land) and an advisory note is included to recommend that the developer consult the Aboriginal Areas Protection Authority prior to undertaking any works at the rear of the subject site.

ACTION: DAS to prepare a Notice of Determination

ITEM 2 **UNIT TITLE SCHEMES SUBDIVISION TO CREATE 2 UNITS AND COMMON PROPERTY**
PA2019/0186 **LOT 7516 (21) HEIDENREICH COURT, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS**
APPLICANT **EARL JAMES AND ASSOCIATES**

Brian Blakeman (Brian Blakeman Surveys) standing in for applicant Kevin Dodd (Earl James & Associates) and Matt Boaz (land owner) attended the meeting and spoke further to the application.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development
0067/19 Consent Authority defer consideration of the application to develop Lot 7516
 (21) Heidenreich Court, Suburb of Larapinta, Town of Alice Springs for the
 purpose of a unit title schemes subdivision to create 2 units and common
 property 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:

- (a) documentary evidence to verify that the development and use of the land as multiple dwellings (2 x 3 bedroom multiple dwellings in a single storey building) is a lawfully established use and development (as provided for in sections 33 and 34 of the *Planning Act 1999*); **or**

- (b) the applicant or land owner obtaining consent for the multiple dwelling development and use of the land (i.e: pursuant to section 38 or 30 of the *Planning Act 1999*).

REASON

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

Pursuant to sub-clause 3 of Clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) - *a lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land. If it is not possible to meet the criteria the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.*

The land is zoned SD (Single Dwelling Residential) under the NT Planning Scheme and “multiple dwellings” are a prohibited use in the zone. The submitted application for unit title schemes subdivision to create 2 units and common property does not demonstrate that existing use rights under Part 4 the *Planning Act 1999* apply to the ‘multiple dwelling’ development of the land and the Development Consent Authority requires evidence of such rights (i.e: that the use was lawfully established as outlined in Part 4, Division 1 of the *Planning Act 1999*) before granting consent to the application.

RESOLVED 0068/19

That, pursuant to section 86 of the *Planning Act 1999*, the Development Consent Authority delegates to the Chair, the power under section 53 of the Act to determine the application to develop Lot 7516 (21) Heidenreich Court, Suburb of Larapinta, Town of Alice Springs for the purpose of a unit title schemes subdivision to create 2 units and common property including with respect to interpreting the response to the provisions of sub-clause 3 of Clause 11.1.5 (Subdivision for the Purposes of a Unit Titles Scheme) of the NT Planning Scheme, subject to:

- (a) the delegate of the Authority being satisfied that existing use rights under Part 4 of the *Planning Act 1999* apply to the development and use of the land as multiple dwellings (2 x 3 bedroom multiple dwellings in a single storey building) having considered any documentation submitted by the applicant in response to resolution 0067/19; and
- (b) pursuant to section 55 of the *Planning Act 1999*, further subject to relevant permit conditions at the discretion of the delegate.

REASON

1. The Development Consent Authority envisages approving the development application subject to the Authority being provided with evidence demonstrating that the multiple dwelling development and use of the land was lawfully established in terms of matters set out in Part 4 of the *Planning Act 1999*. Otherwise, the Authority does not have the power under the *Planning Act 1999* and sub-clause 3 of Clause 11.1.5 (Subdivision for the Purposes of a Unit Titles Scheme) of the NT Planning

Scheme to grant consent if it cannot be demonstrated that the multiple dwelling development and use was lawfully established.

ACTION: Development Assessment Services to prepare a letter of deferral

ITEM 3

2 X DEVELOPMENT APPLICATIONS LODGED IN PARALLEL:

- 1. CHANGE OF USE FROM “MOTEL” TO 21 X 1 BEDROOM AND 40 X 2 BEDROOM MULTIPLE DWELLINGS IN A TWO STOREY BUILDING INCLUDING ALTERATIONS AND ADDITIONS TO BUILDINGS, CAR PARKING AREAS, LANDSCAPING, PRIVATE AND COMMUNAL OPEN SPACE**
- 2. SUBDIVISION FOR THE PURPOSE OF A UNIT TITLE SCHEME (61 UNITS AND COMMON PROPERTY AREA)**

PA2019/0164 LOT 8971, 46 STEPHENS ROAD, SUBURB OF MOUNT JOHNS, TOWN OF ALICE SPRINGS

APPLICANT: SONDOTE PTY LTD (TANGENTYERE DESIGN)

Applicant Andrew Broffman (Sondote Pty Ltd) and Karen Johnson, representing the owners, attended the meeting and spoke further the application.

Alice Springs Town Council provided a supplementary comment on the application.

**RESOLVED
0069/19**

That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 8971, 46 Stephens Road, Suburb of Mount Johns, Town of Alice Springs for the purpose of change of use from ‘motel’ to 21 x 1 bedroom and 40 x 2 bedroom multiple dwellings in a two storey building in three stages including alterations and additions to buildings, car parking areas, landscaping, private and communal open space, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Department of Infrastructure Planning and Logistics’ and Alice Springs Town Council’s (as the case may be) stormwater drainage system shall be submitted to and approved by the Transport and Civil Services Division (Department of Infrastructure Planning and Logistics) and/or the Alice Springs Town Council (as the case may be), to the satisfaction of the consent authority. The plan shall include details of site levels and stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to NT Government and/or Alice Springs Town Council’s system(s).
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided.

The plans must be generally in accordance with the plans submitted with the application but modified to show:

- (a) All elevations of buildings, indicating finished floor levels, existing and finished ground levels, locations of doors and windows and external finishes (including roofs of garages).
 - (b) Details of fencing/retaining walls to the east, west and south boundaries of the site (heights above ground level and materials shown on the site plan of proposed works)
 - (c) Fencing details to ground level private open space areas of each dwelling that comply with sub-clause 4 of Clause 7.5 (Private open Space) of the NT Planning Scheme;
 - (d) details of lighting within common property areas responding to the objectives and guidelines contained in the Community Safety Design Guide (April 2010)
 - (e) Indicative locations of air conditioning units and associated screening;
 - (f) Any alterations required to the building/s to achieve compliance with section 51(q) of the *Planning Act 1999* (eg: access for persons with disabilities, upgrades to the structural integrity and fire safety)
 - (g) the locations and dimensions of proposed electricity and water meter arrangements.
 - (h) Details of proposed staging of works (stage boundaries shown on drawings).
3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan (DA03 dated 29/05/2019 prepared by Tangentyere Design) and must be updated to include:
- (a) any development changes made in response to Conditions Precedent 1 and 2;
 - (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;
 - (c) surface treatments to ground level private open space areas;
 - (d) irrigation arrangements to planted areas.
- All species selected must be to the satisfaction of the consent authority.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the consent authority.
6. Prior to a Certificate of Compliance (section 65 of the *Planning Act 1999*) being issued for a stage or multiple stages, written clearances from service authorities for the stage/s must be provided, to the satisfaction of the consent authority.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
8. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage, electricity and telecommunication services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.
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. A Certificate of Compliance (section 65 of the *Planning Act 1999*) 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-confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au
12. Stormwater is to be collected and contained within the site or 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 and/or Alice Springs Town Council (as the case may be) to the satisfaction of the consent authority.
13. Any alterations to existing arrangements to the kerb crossover/s and driveway/s (works within the Stephens Road road reserve) to the development 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority, on advice from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
15. Upon completion of any works within or impacting upon the Stephens Road road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Department of Infrastructure, Planning and Logistics.
16. Storage for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.
17. The private open space areas of each ground level dwelling shall be screened on each boundary by:
 - a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
 - b) fenced to a height not less than 1.8 metres high and planted with dense vegetation.

18. 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.
19. 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.
20. Before the use 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 to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
21. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
22. 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.
23. 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.
24. A Compliance Certificate under the *Swimming Pool Safety Act 2004* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.
25. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 89994446.

NOTES:

1. This development permit does not grant "building approval" for the proposed demolition of existing buildings, proposed new development works and

associated change of use. 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. Suitability of access for persons with a disability should be verified by a registered private building certifier prior to finalising construction drawings and commencing use of a stage. If changes to the design of building access are required in order to achieve compliance with relevant accessibility requirements under the National Construction Code and the *Building Act 1993*, plans may be submitted to the consent authority for endorsement as part of the Development Permit. Plans submitted in response to this advisory note should be accompanied by written confirmation from a registered private building certifier verifying acceptability of the design in terms of building standards and requirements.
3. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
4. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority'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.
5. A "Permit to Work Within a Road Reserve" will be required from Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for works within the Stephens Road road reserve(s), or similar from the Parks, Wildlife and Heritage Division of the Department of Tourism, Sport and Culture in respect to Lot 9519, before commencement of any work within or adjacent to respective lands.
6. 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 in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
7. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955354 (surveylandrecords@nt.gov.au).
8. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*, more information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NTEPA on (08) 89244218 or ntepa@nt.gov.au.
9. The Northern Territory Environment 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 1998*.

10. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
11. 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 and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
12. 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.
13. 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>
14. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - (a) Planning Principles relevant to residential development set out in Clause 4.1 and Clause 4.3 of the NT Planning Scheme;
 - (b) 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
 - (c) Zone TC (Tourist Commercial), the primary purpose of Zone TC is to provide for uses and development servicing tourism, including commercial

and residential activities. The change of use of the site to “multiple dwellings” is compatible with other residential uses along Stephens Road. The architectural style and site layout is of a scale and character that complies with the majority of performance criteria contained in Part 4 of the Scheme and is considered compatible with other established uses and development nearby.

2. Vehicle access to the development will be from the Stephens Road service lane carriageway, which in part is Zoned Main Road and under the care, control and maintenance of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Clause 13.2 (Land Adjacent to Main Roads) of the NT Planning Scheme specifies that access to a use or development or proposed use or development from a main road is to be in accordance with the requirements of the agency responsible for the road. The Transport and Civil Services Division has advised (letter dated 29/05/2019) of no objections in principle and conditions of approval will ensure the proposed redevelopment works and associated change of use complies with the purpose and criteria of Clause 13.2 of the Scheme.
3. A variation is granted to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme for the reduced building setback distances of the new garages on the eastern and western side boundaries as:
 - The footprint of the existing motel dwelling, established car parking areas, in ground swimming pool, and established landscaping within the lot are site constraints;
 - The location of the proposed garages on the site is stepped, and the reduced building setback distances (to side boundaries) enables convenient access between the driveway/parking area and the building containing the multiple dwellings;
 - existing solid metal fencing to the side boundary (~2.6m high measured from Lot 8971) and landscaping both on the site and adjacent properties is expected to assist with screening the structures from adjacent dwellings and the streetscape;
 - the boundary wall will provide visual and acoustic privacy to the occupants of the dwellings on abutting land in Shanahan Close and Heavitree Court;
 - the proposed garage location adjoins a mix of single and multiple dwellings, and is not expected to cause any undue overlooking or building massing on account of the reduced building setback; and
 - there will be less unused space between the boundary and garage, therefore less maintenance.In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.
4. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any proposed amendments to such a planning scheme:
 - (i) that have been or are on exhibition under Part 2, Division 3;
 - (ii) in respect of which a decision has not been made under Part 2, Division 5; and
 - (iii) that are relevant to the development proposed in the development application;

Pursuant to section 27 of the *Planning Act 1999*, proposed Planning Scheme Amendment PA2017/0203 was public exhibition from 31 May 2019 to 28 June 2019. PA2017/0203 seeks to amend Clause 7.5 (Private Open Space) of the NT Planning Scheme to clarify the purpose of the clause and introduce greater design flexibility for single dwellings on small lots.

An assessment of the development application against the proposed amendments to Clause 7.5 (Private Open Space) of the NT Planning Scheme is identified that the private open space arrangements proposed within the development application will be able to comply with the minimum dimension, area, surface treatment and “open to the sky” criteria proposed within PA2017/0203. Subject to the receipt of amended drawings private open space fencing (ground level) will be able to comply with the 1.8m high and “visual screen” requirements.

5. Pursuant to section 51(j) of the *Planning Act 1999*, 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 change of use to multiple dwellings and associated site works. The site is outside of the 1% AEP Defined Flood Area. The vehicle access and car parking arrangements, site and floor layouts and other aspects of the design will fulfil the objectives of the NT Planning Scheme relevant to multiple dwelling use.

The conditions of approval are intended to ensure service authority interests and land capability matters are duly addressed, in particular:

- Erosion and sediment control and stabilisation of earthworks associated with any excavation and filling of the land and construction works;
- Storm water drainage and vehicle access arrangements comply with Department of Infrastructure, Planning and Logistics’ technical standards; and
- Interface with the adjacent Yeperenye / Emily and Jessie Gaps Nature Park (Lot 9519).

6. Pursuant to section 51(m) of the *Planning Act 1999*, 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, 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 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 and advisory notes are intended to ensure service authority interests are duly recognised.

7. Pursuant to section 51(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. The conditions of approval and associated advisory notes are intended to ensure the existing and future amenity of the subject site and adjacent land are not adversely impacted by the proposed development. The land is zoned to accommodate the proposed development, in that the land is identified for the development of multiple dwellings (as a discretionary land use in Zone TC), and the proposal is consistent with the required dwelling density, height and private open space requirements.

8. Pursuant to section 51(p) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the public interest, including how the following matters have been provided for in the application:

(i) *community safety through crime prevention principles in design;*

The application included a self-assessment against the Community Safety Design Guide (April 2010). A condition precedent has been included requesting details of lighting in communal areas be shown on the drawings.

(ii) *water safety;*

The existing swimming pool on the site will be retained. A standard condition of approval will ensure the pool fencing arrangements are upgraded to comply with the *Swimming Pool Safety Act 2004*.

(iii) *access for persons with disabilities*

The building certification process will ensure the refurbishment works associated with the change of use of the building/s are designed to comply with contemporary building standards for persons with disabilities, relevant to the National Construction Code classification for the dwellings.

9. Pursuant to section 51(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The Department of Tourism and Culture has advised that:

- There are no heritage issues associated with the development application;
- the Yeperenye / Emily and Jessie Gaps Nature Park (Lot 9519) abuts the subject site.

Furthermore, there are registered sacred sites within Lot 9519 and an advisory note is included to recommend that the developer obtain an Authority Certificate from the Aboriginal Areas Protection Authority prior to undertaking any works on the subject site.

10. The application was publicly exhibited in accordance with the *Planning Act 1999* and *Planning Regulations 2000*. No public or local authority submissions were received.

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

**RESOLVED
0070/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 8971, 46 Stephens Road, Suburb of Mount Johns, Town of Alice Springs for the purpose of a subdivision for the purpose of a Unit Titles Scheme to create 61 units and a common property area in three stages as a progressive development, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works an updated statement from a registered certifier must be submitted to and endorsed by the consent authority. When approved, the statement will be endorsed and

will then form part of the permit. The (updated) statement from a building certifier must address the matters listed in sections 46(3)(k) & (l) of the *Planning Act 1999* for the buildings containing the multiple dwellings and garages and the associated staging of works, such that the Authority can be satisfied that the matters listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* can and will be complied with.

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. Prior to new titles being issued for the units in each stage of the progressive development shown on the endorsed drawings, a Scheme Statement, or subsequent Scheme Statement as applicable, meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
4. "Part V" (section of the 62 *Planning Act 1999*) clearance for subdivision into units in each stage of the progressive development under the *Unit Titles Scheme Act* will not be granted until the relevant Certificate of Compliance (in full) has been issued for each such stage of the development as shown on Development Permit DP19/0_ _ _.
5. Prior to new titles being issued for each stage of the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au.
6. Prior to new titles being issued for each stage of the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au.
7. Prior to new titles being issued for each stage of the units shown on the endorsed drawings, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP_ / ___ as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown of the survey plan as Common Property

NOTES:

1. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The

numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.


2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).

REASONS

1. Pursuant to section 51(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 proposed subdivision for the purposes of a Unit Titles Scheme is considered to be compliant with the purpose, objectives and performance criteria contained in Clause 11.1.5 (Subdivision for the Purpose of a Unit Titles Scheme) of the NT Planning Scheme and the development for "multiple dwellings" approved by Development Permit DP19/0---.
2. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP19/0_ _ _.
3. Pursuant to section 51(q) of the *Planning Act 1999*, in considering a development application for a proposed subdivision of land on which a building is, or will be situated, the consent authority is required to take into account 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 statement from a building certifier included with the application did not address the matters listed in sections 46(3)(k) & (l) of the *Planning Act 1999*, such that the Authority could be satisfied that the matters listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* can be complied with.

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

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


Suzanne
Philip
2019.07.16
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SUZANNE PHILIP
Chair
16 July 2019