AGENDA ITEM: 1  MEETING DATE: 7 September 2020  FILE: PA2020/0209

APPLICATION: 2 x 3 bedroom Dwelling-Group in 2 x 1 storey buildings (retaining existing single storey dwelling)

APPLICANT/CONTACT: Mr Stuart Chalmers, (Zone A) Pty Ltd

LAND OWNER: Job Chacko Chundanga as Trustee for J&B Trust

BENEFICIARY: Job Chacko Chundanga

LOCATION: Lot 1365 (11) Ballingall Street, Suburb of the Gap, Town of Alice Springs (Bookmark A)

ZONE: LMR (Low-Medium Density Residential)

AREA: 980m²

SUBMISSIONS: One

ASSESSMENT SYNOPSIS

This report concludes that the Authority should vary the requirements of clause 5.2.4.4 (Parking Layout), clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height) and clause 5.4.3.2 (Distance Between Residential Buildings on one Site) of the NT Planning Scheme 2020 and alter and approve the application subject to permit conditions as recommended in this report.

PROPOSAL

The application proposes the development of the site for the purpose of 2 x 3 bedroom dwelling-group in 2 x 1 storey buildings (retaining existing single storey dwelling). A copy of the application including additional development plans submitted on 13 July 2020 is provided at Bookmark B.

REASON FOR APPLICATION AND LEVEL OF ASSESSMENT

The proposed use (Dwelling Group 3+) requires consent pursuant to clause 1.8.1(b)(i) of the Northern Territory Planning Scheme 2020 (NTPS 2020) as the use is listed in the zoning table for Zone LMR (Low Medium Density Residential) as Merit Assessable, however as the land is subject to a flooding overlay (clause 3.6) the use/development becomes Impact Assessable. Clause 1.10(3) of NTPS 2020 lists required considerations for the assessment level.

<table>
<thead>
<tr>
<th>Zoning and Level of Assessment on Assessment Table</th>
<th>Part 3 Overlay</th>
<th>Part 5 – General and Specific Development Requirements</th>
<th>Level of Assessment</th>
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<tbody>
<tr>
<td>LMR (Low-Medium Density Residential) - Merit Assessable</td>
<td>Clause 3.6 LSF (Land subject to Flooding)</td>
<td>The proposal requires variations to: – clause 5.2.4.4 (Parking Layout) – 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 5.4.3.2 (Distance Between Residential Buildings on one Site)</td>
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BACKGROUND

The subject site was created as part of a residential subdivision approved in 1961. A single dwelling was constructed on the land (refer Figure 1) circa 1965 with various additions and ancillary outbuilding added since.

All of Ballingall Street is within Zone MD and those lots fronting Gap Road (on the eastern side of the laneway) are within Zone TC (Tourist Commercial).

Adjoining development to the north (9 Ballingall St) consists of a single dwelling, with 2 x multiple dwellings (duplex) to the south and offices/ training facility (Eagle Training Services) on the eastern side of the laneway (on Gap Road).

PUBLIC EXHIBITION

The application was advertised in the Centralian Advocate on 17 July 2020 and placed on public exhibition for a period of two weeks. One public submission was received under section 49(1) of the Planning Act 1999 (the Act).

THIRD PARTY APPEAL RIGHTS

Pursuant to section 14(3)(d) of the Planning Regulations, third party appeal rights exist for dwelling-group where a variation is required to the development provisions.

AMENDMENTS TO PLANNING ACT 1999 AND NT PLANNING SCHEME

An amendment to the Act took effect on 31 July 2020 and includes transitional provisions in section 214 which states:

If:

a) an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and

b) a hearing in respect of the application had not been commenced under the former Act,
this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.

Subsequent to the subject application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It is noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect.

Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of Section 51, the application is required to be assessed against NTPS 2020. This assessment has been undertaken by Development Assessment Services (DAS) having regard to the applicant’s Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act.

MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

Pursuant to Section 51(1) of the Act, a consent authority must, in considering a development application, take into account any of the following relevant to the development:

(a) **any planning scheme that applies to the land to which the application relates**

Under clause 1.10.5, 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) or 1.10(4).

Under clause 1.10.3 of NTPS 2020, in considering an application for consent for a use or development identified as ‘Impact Assessable’ the consent authority must take into account all of the following:

<table>
<thead>
<tr>
<th>Considerations</th>
<th>Summary</th>
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<tr>
<td>(a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;</td>
<td>It is noted that Part 5 requirements of NTPS 2020 closely reflect the Part 4 requirements of the superseded NTPS 2007. A technical assessment against requirements of NTPS 2020 is included at Bookmark C. Appendices 1 and 2 to the technical assessment (the development plans) are omitted from the reference material as the same plans are included at Bookmark B. The proposal requires variations to:</td>
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<tr>
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<td>- clause 5.2.4.4 (Parking Layout)</td>
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<td></td>
<td>- clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height)</td>
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<td></td>
<td>- clause 5.4.3.2 (Distance Between Residential Buildings on one Site)</td>
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<td>Discussion of non-compliant aspects and other notable issues in relation to Part 5 requirements is provided below.</td>
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<tr>
<td>(b) any Overlays and associated requirements in Part 3 that apply to the land;</td>
<td>The site is affected by Overlay 3.6 – Land Subject to Flooding. Discussion provided below.</td>
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The proposal requires variations to:

- clause 5.2.4.4 (Parking Layout)
- 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 5.4.3.2 (Distance Between Residential Buildings on one Site)
(c) the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Parts 5 or 6; and

The NTPS 2020 applies to the land which is within Zone LMR (Low Medium Density Residential). The purpose of Zone LMR is to “Provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.” Discussion is provided below.

(d) if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Parts 5 or 6.

There are no applicable Area Plans.

The Alice Springs Regional Land Use Plan (ASRLUP) is an applicable Strategic Land Use Plan and forms part of the Strategic Framework under Part 2 of the NTPS2020 and identifies the site as part of the area currently identified for ‘Urban’ use. The proposed development is expected to support listed objectives by:
- Contributing to the range of dwelling types and sizes available to accommodate the needs of all household profiles;
- Supporting efficient, economic and viable use of existing and future infrastructure;
- Providing infill residential development at higher densities in the most central portion of the township;
- Increasing housing choice by providing a wide range of housing types and sizes to cater for all households, including smaller sized households, dependent or temporary residents and retirement living; and
- Providing infill residential development that is generally consistent with the Northern Territory Compact Urban Growth Policy.

The proposal is assessed as accordant with the ASRLUP.

PART 5
Non-compliances have been identified against the following clauses within Part 5 of NTPS2020:

The following sections address the proposals non-compliances in consideration of the relevant clause purposes and requirements.

Clause 3.6 (LSF – Land Subject to Flooding)
The purpose of this overlay is to “Identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.

The site is between the peak flood surface contour of 572.5 and 572.75 (AHD) – refer to Figure 3. The applicant has estimated the 1 % AEP level at 572.6, which would appear a reasonable assessment. NTG Topographic mapping shows a contour level of 572 running through the site.

The application advises that floor heights will be 300mm above the 1 % AEP (Annual Exceedence Probability) and the accompanying drawings (floor plans) indicate an RL of 572.9. This would equate to a build-up of between 0.6m to 0.9m above current ground level. The drawings (elevations) suggest the use of fill will be totally within the curtilage of the building.

The raised floor height has implications for the height of boundary fencing in order to reduce any adverse impact on the privacy/amenity of adjoining residences from overlooking.
The consent authority may consent to a use of development that is not in accordance with requirements only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community. In this instance it is not considered practical nor reasonable to require the internal floor level of the existing dwelling (or whole building) to be raised to 300mm above the 1% AEP flood level.

The requirements for development in a DFA state that “the use if fill to achieve floor levels should be avoided.”

In this instance a variation may be supported, noting the following:

- The fill is contained within the curtilage of the building (units 2 and 3);
- The separation between buildings (existing and proposed) on-site allows some space for flood waters to pass through the site;
- The site is considered within the flood fringe with flow velocities reduced due to upstream development and proposed solid fencing.

The existing dwelling cannot be built up, however other works are proposed to minimise risk in the event of a flood, including:

- Raising all electrical outlets and switches a minimum of 300mm above flood level;
- All finishes and skirting will be waterproof;
- Storm seals will be fixed to internal doors and windows that are less than 600mm above flood level;
- The site will be landscaped to facilitate water draining away from the dwellings; and
- Floor mounted joinery will be used to minimise damage as a result of floors being flooded.

Clause 5.2.4.4 (Parking Layout)
The purpose of the clause is to “Ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.”

Most of the driveway parking area for Units 1 & 2 are expected to be functional and allow convenient access and egress for both spaces.

Due to an existing sewerage easement along the southern boundary, the parking layout for Unit 3 does not comply as:
Item 1

- 2 car parking spaces are proposed in a ‘stacked/tandem’ arrangement;
- Both parking spaces are over the easement and therefore cannot be sealed (with concrete); and
- The new driveway does not comply with the 3.5m width due to the presence of the easement.

Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height)
The purpose of the clause is to “Ensure that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

As the building containing Units 2 and 3 exceeds 18m in length, clause 5.4.3.1 applies. Units 2 and 3 have a total length of 19.73m which exceeds the 18m requirement by 1.73m. This would necessitate an additional 0.5m setback for a total of 3m. However the development can only achieve a 1.225m setback from the wall to rear boundary (laneway).

A reduced setback could be supported, as:
- It is not expected to have any discernible building massing impact on adjacent land or streetscape (laneway);
- The resulting building line will not be overlooking adjoining residential properties;
- No discernible impact on breeze penetration through the site is expected; and
- The variation is not expected to be discordant with the LMR Zone ‘Purpose’ or ‘Outcomes’.

Clause 5.4.3.2 Distance Between Residential Buildings on one Site
The purpose of this clause is to “ensure residential buildings provide a sympathetic interface with the streetscape and surrounding development, minimise adverse effects of building massing, and avoid undue overlooking of adjoining residential buildings and private open space”.

Building setback distance between Unit 1 and 3 has achieved a 3 metre setback, but the setback distance between Unit 1 and 2 does not comply with the 3 metre requirement

Notwithstanding that the proposal does not comply with this clause:
• The design is expected to:
  – ensure that residents enjoy a good level of amenity; and
  – meet relevant objectives of NTPS 2020, despite proposed variations to requirements of Part 5 of the Scheme; and
• The development is expected to be compatible with the existing streetscape and development that may be reasonably be expected within the locality, given current zoning and development controls.

(b) 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

There are no proposed amendments to the NTPS 2020 which affect this proposal.

(c) an interim development control order, if any, in respect of the land to which the application relates

There are no interim development control orders relevant to the site or proposal.

(d) an environment protection objective as defined in section 4(1) of the Waste Management and Pollution Control Act 1998 that is relevant to the land to which the application relates;

There are no environmental protection objectives relevant to the land.

(e) 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 Act with respect to the application. (Bookmark D refers)

<table>
<thead>
<tr>
<th>Submitter comments</th>
<th>DAS response</th>
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| Colin Western and Elna Dry  
9 Ballingall Street, The Gap (Lot 1366).  
The submitters made previous submissions in November/December 2018 and May 2019 regarding the original 4 x multiple dwelling development.  
Those submissions requested the entire boundary fence between 9 Ballingall Street (lot 1366) and the proposed development site, 11 Ballingall Street (lot 1365) be replaced with a new 2.4m fence.  
The submission also notes the Development Consent Authority in May 2019, agreed that a condition for approval would be the replacement of the entire existing boundary fence, which doesn’t appear to be the case with the current proposal, as the new plans propose the fence will only be partially replaced with a 2.4m fence.  
The height of the existing boundary fence also appears to be inconsistent with drawings. The submitter has taken their own measurements and found the varying heights to be:  
1. The existing boundary fence to the back of the two lots measures 1.85m  
2. The existing boundary fence to the front of the two lots measures 1.65m | Noted.  
The proposed ‘Site and Landscaping Plan’ shows “new privacy fence” height of 2.4m along the northern side of the site (boundary with Lot 1365) only to the extent/length of the new building works (unit 2).  
The remainder of the boundary length is proposed to be left per existing height (2.1m shown on the plans). |
With the revised proposal the parts of the existing fence that will remain are:
1. 2.35m of the 1.85m fence (in the middle of the boundary)
2. 17.1m of the 1.65m fence to the front of the lots/boundary

The submitters request that the full existing boundary fence between lot 1365 (11 Ballingall Street) and lot 1366 (9 Ballingall Street) be replaced with a 2.4m fence with the fence tapered off on the street side of the lots to join the existing front fence of 9 Ballingall Street (similar to photo below taken of fence at 1 Ballingall Street).

In addition, the submitter has requested confirmation as to whether the poles of the new fence will be located on the lot 1365 side of the fence – refer drawings A07 3D Western View.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister has not made any direction in relation to the application.

(h) the merits of the proposed development as demonstrated in the application

The application identifies/contends the following merits (in summary):
The development will utilise a multiple dwelling site into a groups dwelling development thereby providing housing options to the Alice Springs housing market; and

The development will improve the streetscape and amenity of the local area; and

The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.

The proposed development is assessed as aligning with the purpose of Zone LMR, which is to “provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.”

**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 site is relatively flat and suitable for the proposed development, however it is located within a designated flood area (DFA). The development will be built 300mm above the flood level in accordance with scheme requirements. The Department of Environment and Natural Resources (DENR) has advised (Bookmark F refers) that it has not identified any issues of concern.

**The public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer**

The site is 1.5km from the central business area, and within walking distance from neighbourhood parks and organised recreation facilities. There are a range of sporting clubs, schools, child care, and entertainment facilities within the local area. It is not a requirement that the development provides public facilities or open space.

**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 proposal was circulated to the Alice Springs Town Council (ASTC), the Power and Water Corporation (PAWC), Survey (DIPL), Department of Environment & Natural Resources (DENR) and Telstra/NBN Co for comment. Comments received are summarised below.

**Alice Springs Town Council Bookmark E refers**
ASTC have recommended standard general conditions and advisory notes are also recommended for site access, stormwater drainage and work within road reserves and may be expected to ensure that the Council’s interests as a relevant authority are duly recognised.

**Department of Environment & Natural Resources Bookmark F refers**
DENR advised they have not identified any issues of concern with the proposed development.

**Power and Water Corporation (PAWC) Bookmark G refers**
PAWC Network Development and Water Services respectively have outlined relevant requirements relating to upgrading of service infrastructure and connection to network services.
Survey (DIPL) Bookmark H refers
Surveys advised they have nil comment regarding the development.

Standard conditions for access, stormwater management, servicing (power and water metering and easement protection) and telecommunications are recommended for inclusion on any permit issued.

(n) the potential impact on the existing and future amenity of the area in which the land is situated

The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Relevant standard permit conditions relating to landscaping and screening or air-conditioning units may be expected to assist in integrating the development into the streetscape.

(p) the public interest, including (if relevant) how the following matters are provided for in the application:

(i) community safety through crime prevention principles in design;
(ii) water safety;
(iii) access for persons with disabilities

The development has been designed with regard to community safety through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

Not applicable to this application.

(r) 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 known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act 1992

There is no declared beneficial use relevant to the subject site.

(t) other matters it thinks fit

No other matters.
RECOMMENDATION

That, the Development Consent Authority varies the requirements of clause 3.6 (Land Subject to Flooding), clause 5.2.4.4 (Parking Layout), 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 5.4.3.2 (Distance Between Residential Buildings on one Site), of the Northern Territory Planning Scheme and pursuant to section 53(a) of the Planning Act 1999, consent to the application to develop Lot 1365 (11) Ballingall Street, Suburb of the Gap, Town of Alice Springs subject to the following conditions and for the following reasons:

CONDITIONS PRECEDENT

1. 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to include:
   a) Demolition of the existing north boundary fence (shared boundary with Lot 1366) and construction of a 2.4m high (above finished ground level) solid fence and associated plinth along the full length of the boundary to within 3m of the street boundary; and
   b) Improved boundary privacy fencing/screening to the south side boundary of site and secondary street boundary to a height of no less than 1.5m above the finished floor levels of the proposed dwellings. The Development Consent Authority may accept a combination of solid screening and lattice as well as planting, provided that it is satisfied that the screening will ensure a satisfactory level of privacy to occupants of the site and adjoining properties.

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities’ requirements and relevant legislation at the time.

5. 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.

6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.

7. The kerb crossover and driveway to the site approved by this permit are to be provided, and any required re-instatement works are to be completed, to the requirements and
technical standards of the Alice Springs Town Council and at no cost to the Council, to the satisfaction of the consent authority.

8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.

9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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) sealed; and
   d) drained;
   to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.

11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

12. 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.

13. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Certificate of Compliance (section 65 of the Planning Act 1999) will not be able to be granted until such time as addressing is obtained.”

14. If provision for the storage and collection of garbage and other solid waste is proposed to be provided other than within private yards, the area/s must be screened from public view to the satisfaction of the consent authority.

15. All air conditioning units (evaporative or condenser units), including any 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 at ground level in a controlled manner, to the satisfaction of the consent authority.

16. The finished floor levels of “habitable rooms” of the three dwellings must be no lower than 572.9m Australian Height Datum. The developer shall demonstrate compliance with this condition by providing an “as constructed” finished levels of each dwelling, confirmed by a Licensed Surveyor. This conditions is to the satisfaction of the Development Consent Authority.
17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit 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 construction works.

2. A “Permit to Work Within a Road Reserve” is required from the Alice Springs Town Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council’s road network.

3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).

4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation’s servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.


8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at [http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines](http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines).

9. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via [http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html](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.

10. 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

11. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS

1. Pursuant to section 51(a) of the Planning Act 1999, the Development Consent Authority (the consent authority) must take into consideration the planning scheme that applies to the land to which the application relates. An amendment to the Planning Act 1999 took effect on 31 July 2020. The amendment to the Planning Act 1999 includes transitional provisions in section 167(2) which states: If:
   • an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and
   • a hearing in respect of the application had not been commenced under the former Act, this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.

Subsequent to the subject application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. At the time the application was submitted, the Northern Territory Planning Scheme (2007) was in effect, and was addressed by the applicant in the Statement of Effect. Because the applications were not heard before the commencement of the amendment to the Planning Act 1999, and to satisfy the requirements of Section 51 of the Planning Act 1999, the application is required to be assessed against NTPS 2020. The proposal has been assessed against the requirements of the Planning Act 1999 (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to “provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.”

The consent authority grants variation/s to:

a) clause 5.2.4.4 (Parking Layout) of the NTPS 2020, to allow a ‘stacked’ parking arrangement for 2 unsealed car parking spaces at Unit 3, and for the driveway, to unit 3, to be less than the 3.5m requirement as:
   (i) the driveway cannot meet the 3.5m requirement due to the proximity of the easement; and
   (ii) the stacked car parking spaces cannot be sealed as they are over the easement.

b) clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings over 4 Storeys in Height) to allow the building containing units 2 and 3 to be constructed less than the required minimum setback distance from the secondary street boundary, as:
(i) all units are fully compliant with the front and side setbacks;
(ii) due to the orientation of the single dwelling, the development cannot meet the rear setback requirement;
(iii) the development is expected to be compatible with the streetscape and surrounding development including residential buildings on the same site; and
(iv) it is not expected to:
   - have any discernible building massing impact on adjacent land or streets;
   - the streetscape or surrounding development; or
   - result in any overlooking of adjoining properties; or
   - have any discernible impact on breeze penetration to and through the site; or
   - be discordant with the LMR Zone ‘Purpose’ or ‘Outcomes’;

(c) clause 5.4.3.2 (Distance Between Residential Buildings on one Site) to allow Unit 2 to be constructed less than the required minimum setback distance from Unit 1 as:
(i) the development and design:
   - is assessed as accordant with the Alice Springs Regional Land Use Plan (an applicable Strategic Land Use Plan) and generally accordant with the Compact Urban Growth Policy (an applicable Strategic Planning Policy); and
   - is expected to:
     - ensure that residents enjoy a good level of amenity; and
     - meet relevant objectives of NTPS2020 despite proposed variations to requirements of Part 5 of the Scheme; and
     - be compatible with the existing streetscape and development that may be reasonably be expected within the locality, given current zoning and development controls;
(ii) the Power and Water Corporation has not identified any issues of concern in relation to servicing;
(iii) the Alice Springs Town Council have not identified any concerns in relation to stormwater drainage or site access;
(iv) the development is not expected to frustrate the purpose of clause 5.4.3.1 or 5.4.3.2 (Distance between Residential Buildings).

2. Pursuant to section 51(e) of the Planning Act 1999, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and one submission was received.

3. Pursuant to section 51(h) of the Planning Act 1999, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
   a) The development is a purpose designed to the requirements of Department of Housing for a long term lease arrangement for the improvement of Government Employee housing;
   b) The development will improve the streetscape; and
   c) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.

4. Pursuant to section 51(j) of the Planning Act 1999, in considering a development application the 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. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment and Natural Resources has identified any issues of concern in terms of land capability or suitability. Advisory notes
included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.

5. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Alice Springs Town Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.

6. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to height of garden sheds, landscaping and screening or air-conditioning units may be expected to assist in ensuring that the development is integrated into the streetscape.

7. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
   (i) community safety through crime prevention principles in design;
   (ii) water safety; and
   (iii) access for persons with disabilities.

The Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

8. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration 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 known natural, social, cultural or heritage values on the site or in the immediate surrounding area.
The Chair
The Development Consent Authority
Department of Infrastructure, Planning and Logistics
PO BOX 2130,
Alice Springs NT 0871

RE: REVISED PROPOSAL FOR A MULTIPLE DWELLING DEVELOPMENT
LOT 1365 - 11 BALLINGALL STREET, ALICE SPRINGS
STATEMENT OF EFFECT

On behalf of our Client, we have prepared this statement of effect and the appended drawings in support of this Application for Development Consent.

PREAMBLE
In May 2019, Development Permit DP19/0136 was issued for a 3 unit development on lot 1365 Ballingall Street. This proposal required the demolition of the existing residence on the site.

After lengthy consideration, our Client has decided to retain the existing residence and now proposes to construct 2 new 3 bedroom units to the east of the existing residence.

Retaining the existing residence significantly reduces the amount of waste generated by this development and helps the overall proposal become more environmentally responsible.

CURRENT ZONING AND USE
Lot 1365 Ballingall Street Alice Springs is zoned MD (Multiple Dwelling) and has been developed with a single dwelling, car port on the northern boundary and a rear shed.

It is a rectangular lot of approximately 980 square metres.

PROPOSAL
Due to the proximity to the Alice Springs Hospital, the Central Business area and other facilities, our Client proposes to construct a multiple dwelling development on the site.

Multiple Dwellings are a discretionary use within the MD Zone which has precipitated the preparation of Statement of Effect and the associated Application for Development Consent.

RELEVANT PLANNING SCHEME CLAUSES
6.2 Building Heights in Alice Springs
The table to Clause 6.2.1 of the Northern Territory Planning Scheme requires that buildings in a MD (Multiple Dwelling) zone must not exceed 2 stories or 8.5 metres in height. The proposed buildings all comply with this requirement.
6.5.1 Parking Requirements
The table to Clause 6.5.1 of the Northern Territory Planning Scheme requires that multiple dwellings provide the following parking:
   2 per dwelling.

Each dwelling has 2 car parking spaces adjacent to each unit.

We have indicated the parking for unit 3 in a stacked configuration as recommended by the Planning Officer who met with our Client on numerous occasions.

6.12 Landscaping
The Northern Territory Planning Scheme requires that landscaping should be designed so that:
   a) planting is focussed in the area within the street frontage and communal open space areas. As can be seen from the Site and Proposed Landscaping Plan, the proposed communal planting is focused in the areas around the driveways adjacent to the front boundary.
   b) it maximises efficient use of water and is appropriate to the local climate. All new planting will comply with this requirement.
   c) it considers the existing streetscape... The proposed landscaping will enhance the existing Ballingall Street streetscape.
   d) significant trees and vegetation are retained. There are no trees or vegetation of significance on the site.
   e) energy conservation of a building is assisted. The proposed landscaping will eventually provide shade from the afternoon summer sun.
   f) the layout and choice of plants permits surveillance of public areas. The proposed landscaping will allow passive surveillance to all public areas.

6.14 Land Subject to Flooding and Storm Surge
According to the Flood Extent and Peak Flood Surface Contours Map, the 572.6 contour of the modelled Q100 flood level runs approximately east west through the middle of lot 1365.

We understand that it is Department policy not to approve any application which does not set the floor level of a proposed development at Q100 plus 300mm. Therefore, as the natural surface of lot 1365 is at 572.3 and it is proposed that all unit floor levels will be set at 572.9. Effectively a build up of 600mm.

The floor plate of the units only will be built up with a landing and steps to all external doors being framed up in steel – please refer to the drawings.

It is the intention that the floor level of the existing residence, which has blockwork walls on a concrete slab, will be retained however, works will be carried out to minimise the risk to the property in the case of a Q100 event.

These works will include:
   1. Installing all electrical outlets and switches a minimum of 300mm above the 572.6 contour.
   2. All floor finishes and skirting are to be impervious to water.
   3. Storm seals to be installed to all external doors and windows with a sill height less than 600mm above FFL.
   4. The site will be graded in the vicinity of the dwelling to direct water away and around the structure.
   5. Floor mounted joinery will be constructed to minimise damage in the event of the floors becoming wet.

The privacy fence between the subject lot and lot 1366 (to the north) will be locally raised opposite unit 2 to ensure privacy is maintained between these lots – please refer to the drawings.
Further, it is the intention that the internal driveways will be used to drain the stormwater from the site to the western, street boundary.

7.1 Residential Density
Table C to Clause 7.1 indicates a density of one single storey dwelling per 300 square metres on land zoned MD. The area of the lot is 980 square metres. The maximum allowable density on the site is therefore 3 dwellings.

Our proposed density of 3 units complies with this requirement.

7.3 Building Setbacks of Residential Buildings
Table A to Clause 7.3 requires a 6 metre setback to the primary street, 2.5 metre setback to a secondary street (in this case the rear lane) and a 1.5 metre setback to the side boundaries.

This proposal complies with all of these requirements with the exception of the eastern walls of units 2 and 3 which falls within the secondary street, rear setback.

This setback infringement occurs behind the 2.4 metre high privacy fence which will ensure minimal impact on the amenity of the lane to the rear of the property.

We therefore respectfully request a variation to the requirements of this clause.

7.3.1 Additional Setback Requirements for Residential Buildings Longer Than 18 metres
The eastern wall of units 2 and 3 is longer than 18 metres but we are already requesting a setback variation to this boundary – see clause 7.3 above.

7.3.2 Distance between Residential Buildings on One Site
The distance between unit 1 and 2 does not comply with the 3 metre requirement of this clause however, fire walls will be constructed to provide the required safety between the dwellings.

7.5 Private Open Space
All units have complying private open space. The private open space satisfies minimum requirements for size, are inclusive of deep soil areas and access to open sky.

7.6 Communal Open Space
This clause does not apply to this proposal.

7.7 Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation
This clause requires that 30% of the site is to be landscaped. In this design, the portion of the lot that is being developed contains 342 square metres of landscaping which complies with the 30% requirement.

7.8 Building Design for Multiple Dwellings, Hostels and Supporting Accommodation
Building design should:
   a) locate development on the site for correct solar orientation – all units have the outdoor private open spaces facing north. In addition, all of the unit’s living areas have glazing that faces north.
   b) Minimise expanses of walls... - the unit designs are well articulated to reduce the visual mass of the buildings.
   c) Locate air conditioners where they are accessible for servicing – all air conditioning units will be wall mounted 300mm above the Q100 level in the rear yards of the units.
d) Conceal services etc. – all air conditioning plant, garbage bins and clothes lines are located in the rear yards behind privacy fencing.
e) Avoid overlooking of private open spaces – the development is all single storey which precludes overlooking issues.
f) Locate bedrooms and private open spaces away from noise sources – Ballingall Street is not a noisy area being buffered from the Stuart Highway and Gap Road by over 200 metres and 100 metres respectively.
g) Control its own noise sources and minimise the transmission of noise between dwellings – all party walls will be reinforced masonry construction which will help control noise and reduce transmission between dwellings.
h) Where close to high noise sources, be of appropriate acoustic design and construction – not applicable to this application.
i) Balance the achievement of visual and acoustic privacy with passive climate control features – all of the outdoor living areas enjoy a northern aspect and visual and acoustic privacy is enhanced with the proposed fencing and landscaping. The buildings are designed to provide passive climate control with eaves facing east and west to reduce morning and afternoon summer solar gain.
j) Allow breeze penetration and circulation – the units are located to allow and enhance prevailing breeze penetration. Living areas have windows on 2 walls to encourage cross flow ventilation.
k) Minimise use of reflective surfaces – all walls will be low sheen paint finish. Fencing will be Colorbond and window and door frames will be painted or powder coat finish.
l) Provide internal drainage of balconies… - not applicable to this design.

NTPS CLAUSE 2.8 (REFERENCE TO GUIDELINES -COMMUNITY SAFETY DESIGN GUIDE 2010) SECTION 2. CORE DESIGN PRINCIPALS
- Surveillance
  The development proposal is for a 3 unit design which will provide 2 more dwellings and inhabitants on the site than is currently the case. This will increase the passive surveillance in the vicinity of this site due to the increased traffic movement.

- Sightlines
  We do not believe this is applicable to the development proposal as the guide and text refer to "public space" situations.

- Mixed Use Areas & Activity Generators
  We do not believe this principle is applicable to the subject development proposal.

- Design of Buildings Exteriors & Opening
  Refer to "Surveillance" above.

- Lighting
  We do not believe this is applicable to the subject development proposal as this section refers to "the public realm", "public spaces", "pathways in public spaces" etc.
  However, we note the proposed Driveway and Entry areas to all units will be provided with movement sensor actuated lighting for both user amenity and security purposes.

- Movement Predictors & Entrapment Locations
  We do not believe this is applicable to the subject development proposal.

MATTERS TO BE TAKEN INTO ACCOUNT PERTAINING TO SECTION 46 OF THE PLANNING ACT:
The following are provided in response to relevant matters of the Northern Territory Planning Act:

Section 46(3)(d)
an assessment demonstrating the merits of the proposed development:

The proposed development will convert an underutilised multiple dwelling site into a 3 unit development which will provide new low density options to the Alice Springs domestic housing market.

This Statement of Effect clearly indicates Lot 1365 Ballingall Street can accommodate 3 multiple dwellings whilst also complying with, or exceeding, the majority of the requirements of the NT Planning Scheme as noted and detailed above.

Section 46(3)(e)
a description of the physical characteristics of the land and detailed assessment demonstrating the lands suitability for the purpose of the proposed development and the effect of development on that land and other land:

The site is relatively flat and is currently occupied by a single dwelling. It is located in a designated flood zone according to the current Q100 modelling however, this aspect will be rectified by building the unit pads up to a minimum of 300mm above the flood level.

As demonstrated by the information provided above the land is more than suitable for the proposed development and, we submit, will have no adverse impact on adjacent land apart from increasing its real market value by benefit of the proposed development.

Section 46(3)(f)
a statement specifying the public facilities or public open space available in the area in which the land is situated, whether land for public facilities or public open space is to be provided by the developer and whether it is proposed that facilities or open space be developed by the developer:

Public Facilities available in the area:

− The Gap Hotel
− Piggly’s Supermarket
− Ida Standley Preschool
− Traeger Park Campus of OLSH
− Centralian Middle School
− Gillen Primary School
− Gap Youth Centre
− Gap Childcare
− Lutheran Church
− The Dust Bowl incorporating the Jai Ho Restaurant
− The Alice Springs Aquatic Centre
− Traeger Park incorporating:
  o Football
  o Cricket
  o Tennis
  o Basketball
  o Baseball
  o Hockey
− OLSH Traeger Park Campus
− The Alice Springs Hospital
− Alice Springs Golf Club
− The Alice Springs Convention Centre
− Lasseter’s Casino
− Numerous hotels and restaurants
Public Open Space available in the area:
- The Todd River
- Jim McConville Park
- Newland Park

Section 46(3)(g)
a statement specifying 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 whether public utilities or infrastructure are to be provided by the developer or land is to be provided by the developer by the developer for provision of public utilities or infrastructure:

Lot 1365 is currently serviced with sealed road to the front and an unsealed lane to the rear and is connected to power, water and sewer. There is a landline connection (copper) and the area has mobile telephone coverage.

Section 46(3)(h)
an assessment of the potential impact on the existing and future amenity of the area in which the land is situated:

We submit the proposed development will enhance the local amenity and financial status of other properties within the immediate vicinity by providing a high quality residential development. As the proposed development provides private open space, landscaping, parking and pedestrian/vehicle circulation space in excess of the minimum amenity requirements of the NT Planning Scheme we anticipate no detrimental impact on future amenity of the area.

Section 46(3)(k)
in the case of a proposed subdivision of land on which a building is situated – a report from a building certifier within the meaning of the Building Act as to whether the building will cease to comply with the Building Act if the proposed development were to proceed:

As there is no proposal to subdivide the land these matters are not relevant to this application.

Section 51 (d)
An environmental protection objective...:

No environmental protection objective exists on this lot and as such, these matters are not relevant to this application.

Section 51 (g)
...public environmental report, or an environmental impact statement...:

No environmental report or impact statement exists on this lot and as such, these matters are not relevant to this application.

Section 51 (h)
The merits of the proposed development...:

The merits of this proposed development include:
1. The development has been designed to:
   a. Provide the Alice Springs housing market with new housing options in an area which is not only close to the Central Business Area but also close to social, educational, childcare, spiritual and sporting facilities.
   b. Comply with the requirements of the Northern Territory Planning Scheme including but not limited to height, parking, density, private open space, landscaping and building design.
   c. All dwellings have access to north light into the living area providing natural light and winter solar gain.
2. Allowing a multiple dwelling site which is currently underutilised, to realise its potential.

Section 51 (j)
The capability of the land to support the proposed development…:

We contend that the drawings demonstrate that Lot 1365 has the capability to accommodate and support the dwellings as designed.

Section 51 (k)
The public facilities or public open space in the area in which the land is situated:

The public facilities or open space in the vicinity of this lot include:
Public Facilities available in the area. Please refer to the list on pages 5 and 6 above.

Section 51 (m)
The public utilities in the area in which the land is situated:

The land is currently connected to all public utilities. Any upgrading of these utilities required by this development will be at the Developer’s cost.

Section 51 (n)
The potential impact on the existing and future amenity of the area in which the land is situated:

The potential impact on the existing and future amenity of the area of this proposed increase in density can only be described as positive.
The additional passive surveillance along Ballingall Street adjacent the lot must make this area a safer place.

Section 51 (p)
The public interest...

We believe that it is in the public interest to develop residential land to its fullest to ensure that urban sprawl is kept to a minimum. Land designated for multiple dwellings should be developed to make best use of existing public and services infrastructure including public roads, pavements and street lighting along with power, water and sewer services. We believe that we have demonstrated that the site can accommodate this proposed development which will supply additional dwellings in the popular central area of Alice Springs.

We therefore submit this application for your consideration.

Please contact this office if you require any further information.

Yours sincerely
ZONE A Pty. Ltd.

STUART CHALMERS
DIRECTOR
STANDARD NOTES

GENERAL

1. Provide termite protection treatment in accordance with AS3660.1
2. Glass installation in accordance with AS1288
3. Flyscreens to be installed on all operable windows.
4. Suitable drainage, damp and weatherproofing must be provided where necessary to prevent:
   (A) Moisture or damp affecting the stability of the building; &
   (B) The creation of any unhealthy or dangerous conditions; &
   (C) Undue damage to adjoining property.
5. Metal sheeting roofing complying with AS1562.1
6. Damp-proof courses complying with AS2904.
7. Height of floor fitted with a floor waste shall be a minimum 250mm above N.G.L.
8. Check & confirm all services connections on site.
9. Check & confirm all dimensions on site.
10. Waterproof all wet areas in accordance with AS3740
DEMOLITION NOTES

1. All demolition works shall be in accordance with current & relevant SAA codes & to comply with local authorities requirements including AS2601
2. Any or all services affected by demolition works are to be made good or capped off, as required and determined on site.
3. Ensure strict compliance with the requirements of the model work health and safety regulations - 1 January 2012.

Existing street side entry stormwater pit to remain.
Existing power pole to remain.
Existing telstra pit to remain.
Existing Stop Valve and Fire hydrant to remain.

NOTE:
Existing floor level is 572.3 as per schedule provided by Licensed Land Surveyor. Existing NGL has been calculated as 250mm below existing F.F.L. = 572.050

Demolish & remove existing front boundary fence and gates.
Demolish & remove existing concrete driveway, existing landscaping bed and existing trees.

Demolish and remove existing rear veranda and portion of existing slab as indicated.

Demolish and remove existing fences as indicated.

Demolish and remove existing free standing carport.

Demolish & remove existing double carport.

3 Bedroom Dwelling
Existing Storage Shed

Existing Boundary Fence to be demolished and removed

26.820 at 35° 13' 00"

26.820 at 215° 13' 00"

26.820 at 305° 13' 00"

26.575 at 305° 13' 00"

36.575 at 305° 13' 00"

DEVELOPMENT APPLICATION
Q100 Flood level = 572.900 calculated at 300mm above Proposed F.F.L. for Units 2 & 3 is as 572.600 Q100 Flood level has been calculated 250mm below existing F.F.L. = 572.050 as per schedule provided 3 Bedroom dwelling is 572.300

Existing F.F.L. of existing

Floor Area 104m

Floor Area 107m

NOTE :

UNIT 1

GROSS FLOOR AREAS

9865

UNIT 1

LANDSCAPING

85m²

UNIT 2

LANDSCAPING

85m²

UNIT 3

LANDSCAPING

72m²

Note - In-ground irrigation system to all landscaping.

Combined area of backyards of units as indicated hatched = 342m². Requirement for landscaping = 294m² (30% of 980m²). Additional landscaping at front of units not included within calculations

Landscaping

Selection of the following plants;

Note - In-ground irrigation system to all landscaping. Mulch all garden beds.

1. Rosmarinus officinalis Rosemary (hedge) 1m
2. Murraya paniculate Mock Orange (hedge) 1.5m
3. Acacia jennerae Coonavittra Wattle (screen) 2-3m
4. Eremophylla bignoniflora (screen) 2-3m
5. Eremophylla maculata var. brevifolia (shrub) 1.5m
6. Eremophylla polyclada (shrub) 1.5m
7. Eremophylla glabra prostrate yellow (shrub) 300mm
8. Eremophylla drumondii 0.5-1m

Selected paving to footpaths around units & private yards.

Selected sealed concrete or paving to driveway and carports.

Mulch all garden beds.

Note - In-ground irrigation system to all landscaping.

Combined area of backyards of units as indicated hatched = 342m². Requirement for landscaping = 294m² (30% of 980m²). Additional landscaping at front of units not included within calculations

Legend

Denotes direction of stormwater drainage

Privacy Fence Legend

"A" Denotes Privacy fence in selected Colorbond Profile. Fence Height is 1800 above NGL

"B" Denotes Privacy fence in selected Colorbond Profile. Fence Height is 1800 above NGL

"C" Denotes existing 2.1m high boundary fence to remain.

Ground Surface Finishes

Lawn & Landscaping as indicated.

Selected sealed concrete or paving to driveway and carports.

Selected paving to footpaths around units & private yards.

Walls Texture Paint Finish

- Dulux Porcelain Pink P11F1 or Similar

Cladding Colorbond Custom Orb - Sahara

Roof Colorbond Custom Orb - Surfmist

Flashing & Fascias Colorbond - Ironstone

Gutters & Downpipes Colorbond - To Match Wall Colour

Window Frames Anodised Silver

Privacy Fencing Colorbond - Pale Eucalypt

Privacy fence in selected Colorbond Profile. Fence Height is 2400 above N.G.L.
Selected Custom Orb wall cladding to high level portion of framed wall.

Existing 3 bedroom dwelling

New 1.8m high privacy fence between existing 3 bedroom dwelling and new units.

Stair access to door as indicated on floor plan, typical.

Mail boxes located at front of property.

New 1800 privacy fence to front boundary.

Rendapanel wall cladding with selected render finished to lower level portion of framed walls.

Air conditioner condensor fixed to walls via proprietary brackets.

Q100 Flood Level

Existing Roof Pitch

NGL

Q100 Flood Level

Existing House Level

Framed Wall

Stair access to door as indicated on floor plan, typical.
Site External Elevation 3 (North Eastern)

Scale 1 : 100

- New 2.4m high privacy fence between new unit 2 and existing neighbour.

- New 1.8m high privacy fence between existing 3 bedroom dwelling and new unit 2.

- Selected Custom Orb roof deck, complete with matching flashing, gutters and downpipes.

Site External Elevation 4 (South Eastern)

Scale 1 : 100

- Roller door to unit carparks.

- Existing roof pitch 574700

- Existing house level 572300

- Q100 Flood level 572600

- Pitching height 2700

- NGL 572050

- Unit F.F.L. 572900

- 0000
Existing 1.8m high boundary privacy fence omitted for clarity

3D Northern View

3D Western View

Existing 1.8m high boundary privacy fence omitted for clarity

DEVELOPMENT APPLICATION
Privacy Fence Type "A"

Scale 1 : 20

Privacy Fence Type "B"

Scale 1 : 20

Concrete mass footings.

Colorbond pressed metal flashing to top of fence cladding.

75x75 S.H.S. posts cast 550mm into Ø300x750 concrete mass footings.

Existing House Level

200x200 concrete mowing strip exposed approximately 50mm above finished ground level.

1:20 for A3 DRG.
LANDSCAPING LEGEND:

- Shared Landscaping at front of units = 33.7m²
- Unit 1 Mulched Garden bed at rear of Unit = 2.5m²
- Front yard space including POS but not including entrance = 136m²
- Total 138.5m²
- Unit 2 Mulched Garden beds surrounding Unit = 32.5m²
- Front yard space including POS but not including entrance = 38m²
- Total 70.5m²
- Unit 3 Mulched Garden beds surrounding Unit = 23.5m²
- Front yard space including POS but not including entrance = 77m²
- Total 100.5m²

TOTAL Lot size = 980.1m²

Landscaping to the site = 33.7m² + 138.5m² + 70.5m² + 100.5m² = 343.2m²

Total Landscaping to site = 35%

Landscaping Area Schedule Plan

Scale 1 : 200
Technical Assessment PA2020/0209

TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME (amended v.3)

Application No: PA2020/0209
Lot number: 1365 (11) Ballingall Street, Suburb of The Gap
Town/Hundred: Alice Springs
Zone: LMR (Low-Medium Density Residential)
Site Area: 980m²
Proposal: Construct 2 x 3 bedroom multiple dwellings in a single storey building and retain existing 3 bedroom dwelling

Dwelling-Group (3+) is a merit assessable use in Zone LMR. The application includes an existing single dwelling, and is subject to the following provisions:

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<th>Zone LMR (Low-Medium Density Residential)</th>
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<td><strong>Use</strong></td>
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Date Assessment finalised: 11 August, 2020
Plans used for assessment: PA2020/0209/01 – PA2020/0209/10

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.
4.3 Zone LMR (Low-Medium Density Residential)

The primary purpose of Zone LMR is to provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.

<table>
<thead>
<tr>
<th>Sub Clause</th>
<th>Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.3.1</td>
<td>A blend of dwellings-single, associated dwellings-independent, dwellings-group and dwellings-multiple predominantly of two storeys or less, on a range of lot sizes that respond to changing community needs.</td>
<td>Complies - The land comprises of an existing single dwelling (built around 1995) and is a former Housing Commission home. There is a carport on the northern boundary and a shed towards the rear boundary.</td>
</tr>
<tr>
<td>4.3.2</td>
<td>Home based businesses and dwellings-community residence are conducted in a manner consistent with residential amenity.</td>
<td>N/A to this application.</td>
</tr>
<tr>
<td>4.3.3</td>
<td>Residential care facilities are of a scale and conducted in a way that maintains the residential character and amenity of the zone.</td>
<td>N/A to this application.</td>
</tr>
<tr>
<td>4.3.4</td>
<td>Non-residential activities are limited to community centres that:</td>
<td>Complies – the subject site is within close vicinity to sport and recreational activities i.e. Traeger Park and the Aquatic Centre. These are in an Organised Recreation (OR) zone and compatible with the amenity of the area.</td>
</tr>
<tr>
<td></td>
<td>(a) support the needs of the immediate residential community;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) are of a scale and intensity compatible with the residential character and amenity of the area;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) wherever possible, are co-located with other non-residential activities in the locality;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(d) avoid adverse impacts on the local road network;</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(e) are managed to minimise unreasonable impacts to the amenity of surrounding residents.</td>
<td></td>
</tr>
<tr>
<td>4.3.5</td>
<td>Building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.</td>
<td>Complies – Building design, site layout and landscaping have been incorporated into the development as well as private open space provisions.</td>
</tr>
<tr>
<td>4.3.6</td>
<td>An efficient pattern of land use with all lots connected to reticulated services, integrated with existing transport networks, and with reasonable access to open space and community facilities.</td>
<td>Complies – All lots will be connected with essential services. There is public transport on Gap Road (within a radius of 70m), and walking distance to sporting facilities i.e. Traeger Park and the Aquatic Centre.</td>
</tr>
</tbody>
</table>

COMPLIES

Clause 3.6 LSF - Land subject to Flooding

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

1. Land subject to this Overlay is to be used or developed only with consent.
2. This clause does not apply to:
   (a) outbuildings and extensions to existing dwellings; and
   (b) extensions to existing commercial or industrial buildings; which, but for this Overlay, would not require consent;
### Sub Clause Requirements Comment

<table>
<thead>
<tr>
<th>Sub Clause</th>
<th>In this Overlay:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>3.6.3(a)</td>
<td>“flood level” means the water level associated with a 1.0% AEP flood event or where that level cannot be determined, the level determined by the Controller of Water Resources within the meaning of the Water Act 1992;</td>
<td>The natural ground level of the site is approximately 572 AHD (1998 topographic map) the 1% AEP flood level is 572.6. Therefore, the finished floor levels of the dwellings will need to be no lower than 572.9 AHD which is 0.9m above the (approximate) existing ground level of the site.</td>
</tr>
<tr>
<td>3.6.3(b)</td>
<td>“AEP” means Annual Exceedance Probability, which is the likelihood, in percentage terms, of a flood of a given size occurring in a specified area in any one year;</td>
<td>Current flood mapping identifies that the development site is located within a Defined Flood Area, and is liable to be inundated up to 2.0m in a 1.0% AEP Defined Flood Event –</td>
</tr>
<tr>
<td>3.6.3(c)</td>
<td>“DFE” means Defined Flood Event, which: in an area subject to a floodplain management plan that defines a flood event, is as specified in that plan; or if there is no floodplain management plan that defines a flood event for an area, is the 1% AEP flood event;</td>
<td></td>
</tr>
<tr>
<td>3.6.3(d)</td>
<td>“DFA” means Defined Flood Area, which is the area that is inundated by the DFE as defined on mapping produced by the NT Government;</td>
<td></td>
</tr>
<tr>
<td>3.6.4</td>
<td>The consent authority may consent to a use or development that is not in accordance with sub-clause 5 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.</td>
<td></td>
</tr>
<tr>
<td>3.6.5(a)</td>
<td>the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided;</td>
<td>Complies - The proposed development will not entail storage or disposal of these types of materials.</td>
</tr>
<tr>
<td>3.6.5(b)</td>
<td>the minimum floor level of habitable rooms should be 300mm above the flood level for the site; and</td>
<td>The natural ground level of the site is approximately 572 AHD (1998 topographic map) the 1% AEP flood level is 572.6. Therefore, the finished floor levels of the dwellings will need to be no lower than 572.9 AHD which is 0.9m above the (approximate) existing ground level of the site.</td>
</tr>
<tr>
<td>3.6.5(c)</td>
<td>the use of fill to achieve required floor levels should be avoided.</td>
<td>Does Not Comply as the use of ‘fill’ required to raise the floor height up to 0.9m may be considered in excess of that reasonably allowed for in normal foundations for a structure of this type.</td>
</tr>
</tbody>
</table>

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**Fig 1: Elevations of new development above flood level**
The applicant states the floor plate of the units will be built up with steps and a landing to all external doors.

The existing dwelling cannot be built up, so other works will be carried out to minimise risk in the event of a flood including:
1. Installing all electrical outlets and switches a minimum of 300mm above flood level
2. All finishes and skirting will be waterproof
3. Storm seals will be fixed to internal doors and windows that are less than 600mm above flood level
4. The site will be landscaped to facilitate water draining away from the dwellings
5. Floor mounted joinery will minimise damage as a result of floors being flooded

DOES NOT COMPLY – VARIATION SOUGHT

5.2.2.1 General Height Controls in Alice Springs

The purpose of this clause is to recognise the low-rise character of Alice Springs, but allow for buildings up to 8 storeys within Zone CB.
1. The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building. Northern Territory Planning Scheme 2020 Part 5-3
2. This clause does not apply to an education establishment or hospital in Zone CP.
3. The consent authority must not consent to development that is not in accordance with sub-clauses 4 and 5.

<table>
<thead>
<tr>
<th>Table to Clause 5.2.2.1: Building Heights in Alice Springs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>CB</td>
</tr>
<tr>
<td>C, SC, TC, and MR</td>
</tr>
<tr>
<td>All other zones</td>
</tr>
</tbody>
</table>

All 3 dwellings are single storey and do not exceed 8.5m in height.

COMPLIES
5.2.4.1 Parking Requirements

The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

1. The consent authority may consent to a use or development that is not in accordance with the table to this clause only if it is satisfied the use or development is appropriate to the site having regard to the purpose of this clause and the potential impact on the surrounding road network and the amenity of the locality and adjoining property.

2. If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.

3. The consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.

4. Despite anything to the contrary in this clause, on land within an area depicted as ‘Activated Frontages’ within the ‘Residential and Mixed Use Map’ of the Central Darwin Area Plan, an alfresco dining area that results in the loss of up to 25 ground level car parking spaces associated with any existing development is exempt from providing replacement car parking spaces ordinarily required by this clause.

5. A change of use from an alfresco dining area (including the provision of air conditioning) will result in the new use being subject to full car parking requirements of this clause.

6. A use or development specified in column 1 of the table to this clause is to provide the number of car parking spaces (rounded up to the next whole number) required for that development and is to be calculated in accordance with the formula specified opposite in column 2 or, if the development is within Zone CB in Darwin, column 3.

In respect to the proposed use the car parking requirement is assessed as follows:

<table>
<thead>
<tr>
<th>Use or Development</th>
<th>Minimum Number of Car Parking Spaces Required</th>
<th>No. of Dwellings</th>
<th>Scheme Requirement</th>
<th>Parking spaces Provided</th>
<th>Shortfall?</th>
<th>Complies?</th>
</tr>
</thead>
<tbody>
<tr>
<td>DWELLING-MULTIPLE</td>
<td>2 per dwelling</td>
<td>3</td>
<td>6 spaces</td>
<td>6</td>
<td>Nil</td>
<td>YES</td>
</tr>
</tbody>
</table>

- This proposal requires 6 car parking spaces
- The application states each dwelling will be provided with 2 spaces

COMPLIES

5.2.4.4 Parking Layout

The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

1. The consent authority may consent to a car parking area that is not in accordance with sub clause 3 if it is satisfied that the non-compliance will not:
   (a) result in adverse impacts on the local road network or internal functionality of the car parking area; and
   (b) unreasonably impact on the amenity of the surrounding locality.

2. A car parking area is to be established, used and maintained for the purpose of vehicle parking only.

<table>
<thead>
<tr>
<th>Clause</th>
<th>Design Requirements</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.4.3</td>
<td>A car parking area is to:</td>
<td></td>
</tr>
<tr>
<td>5.2.4.3(a)</td>
<td>be of a suitable gradient for safe and convenient parking;</td>
<td>Appears to comply. • Gradient of site/parking area will depend on any proposed filling.</td>
</tr>
<tr>
<td>5.2.4.3(b)</td>
<td>be sealed and well drained;</td>
<td>Does not Comply. • Units 1 &amp; 2 will have sealed parking spaces.</td>
</tr>
<tr>
<td>5.2.4.4.3(c)</td>
<td>be functional and provide separate access to every car parking space;</td>
<td>Does not comply.</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>5.2.4.4.3(d)</td>
<td>limit the number of access points to the road;</td>
<td>Does not comply.</td>
</tr>
<tr>
<td>5.2.4.4.3(e)</td>
<td>allow a vehicle to enter from and exit to a road in a forward gear;</td>
<td>Additional dimensions have been added to 2709(6)-A03_TP. 6m clearances indicated in front of the carparking space fence lines. Unit 1 cars reverse out of secure parking space heading towards Unit 2 parking space and then leave the site in a forward gear. Unit 2 cars reverse out of secure parking space towards Unit 1 parking space and then leave the site in a forward gear. The stack parking for Unit 3 precludes a turning bay.</td>
</tr>
<tr>
<td>5.2.4.4.3(f)</td>
<td>maximise sight lines for drivers entering or exiting the car parking area;</td>
<td>The existing 2.1m Southern boundary fence is solid. It will not affect sightline once a car has exited the property and is within the 5.3m wide road reserve. Existing northern boundary fence is 1.6m tall. It will be replaced with Type &quot;A&quot; to ensure that the minimum fence height to neighbours is 1.8m high.</td>
</tr>
<tr>
<td>5.2.4.4.3(g)</td>
<td>be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;</td>
<td>Setback of parking area and landscaping width to Ballingall Street generally complies.</td>
</tr>
<tr>
<td>5.2.4.4.3(h)</td>
<td>be in accordance with the dimensions set out in the diagram to this clause;</td>
<td>Unit 1 &amp; 2 have double parking spaces provided measuring 5m wide x 5.5m long with additional 6m clearance behind parking space. Unit 3 has 2 of 2.5mx5.5m stacked parking spaces indicated.</td>
</tr>
<tr>
<td>5.2.4.4.3(i)</td>
<td>have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow; and</td>
<td>Does not comply – Unit 1 &amp; 2 will have a driveway 6m wide. Unit 3 will have a driveway 3m wide. The driveway will not be constructed to 3.5m due to the existence of a sewerage easement.</td>
</tr>
<tr>
<td>5.2.4.4.3(j)</td>
<td>be designed so that parking spaces at the end of, and perpendicular to a driveway be with 3.5m wide or so that the driveway projects 1m beyond the last parking space.</td>
<td>Does not comply.</td>
</tr>
<tr>
<td>5.2.4.4.4</td>
<td>Despite sub-clause 3, dust suppression may be an acceptable alternative to sealed surfaces in non-urban areas.</td>
<td>The application does not propose dust suppression in place of a sealed surface.</td>
</tr>
</tbody>
</table>

- The application states Unit 3 will have 2 car parking spaces in a ‘stacked’ formation over the existing sewerage easement.
- The parking spaces for Unit 3 cannot be sealed.
- The driveway does not comply with the 3.5m width for Unit 3 due to the easement along the southern boundary.
DOES NOT COMPLY – VARIATION SOUGHT

5.2.6 Landscaping

The purpose of this clause is to ensure appropriate landscaping that is attractive, water efficient and contributes to a safe environment, is provided to development to enhance the streetscape and overall amenity of the locality.

1. Landscaping may include provision of paved areas and areas for entertainment and recreational activities.
2. The consent authority may consent to landscaping that is not in accordance with sub clauses 4 and 5, only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and is appropriate to the site having regard to the amenity of the streetscape, and the potential impact on the amenity of the locality and adjoining property.

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.2.6.3(a)</td>
<td>Planting is focused on the area within the street frontage setbacks, side setbacks, communal open space areas and uncovered car parking areas;</td>
<td>A conceptual landscaping plan was included in the application and shows planting is focussed around 2 x driveways and along rear boundary (laneway).</td>
</tr>
<tr>
<td>5.2.6.3(b)</td>
<td>It maximises efficient use of water and is appropriate to the local climate;</td>
<td>Species native to Australia and appropriate to the central Australian climate will be used.</td>
</tr>
<tr>
<td>5.2.6.3(c)</td>
<td>It takes into account the existing streetscape, or any landscape strategy in relation to the area;</td>
<td>There is no notable landscape strategy for Ballingall Street.</td>
</tr>
</tbody>
</table>
5.2.6.3(d) Significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained; Significant trees and vegetation will be retained.

5.2.6.3(e) Energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year. The proposed landscaping will assist with energy conservation by providing shade to the dwellings from the afternoon sun.

5.2.6.3(f) The layout and choice of plants permits surveillance of public and communal areas; and The proposed landscaping will allow for passive surveillance.

5.2.6.3(g) It facilitates on-site infiltration of stormwater run-off. The site has grassed areas/unsealed areas to facilitate stormwater run-off.

5.2.6.4 Other than in Zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for rooming accommodation, dwellings-group, dwellings-multiple and residential care facility is to be landscaped. • Shading and schedule of landscaping areas added – refer drawing 2709(6)-A11_TP. • The applicant states they can achieve 35% landscaping site coverage0% of the site equating to 294m²

5.2.6.5 In Zones LI, GI and DV all street frontages, except access driveways or footpaths, are to be landscaped to a minimum depth of 3m. N/A

5.2.6.6 The quality and extent of the landscaping consented to must be maintained for the life of the development. Subject site contains a mix of mature and younger trees and shrubs

COMPLIES

5.4.1 Residential Density Limitations

The purpose of this clause is to ensure that the development of residential buildings is:
(a) of a density compatible with adjoining or nearby existing development or development reasonably anticipated
(b) of a density compatible with the existing or planned provision of reticulated services and community facilities which will service the area; and
(c) consistent with land capability having regard to relevant characteristics including but not limited to the drainage, slope, seasonal inundation, landforms or soil characteristics, heritage constraints or noise from aircraft operations.

1. The consent authority may consent to a development that is not in accordance with sub-clause 2 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

2. The maximum number of dwellings that may be constructed on a site is to be determined in accordance with tables A, B, C, D and E (as the case requires) to this clause.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dwelling Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>LR, RR, RL, R and for a dwelling single in CL, CV and T</td>
<td>1 dwelling single per lot</td>
</tr>
<tr>
<td>LMR and for dwellings group in CL and T and dwellings multiple in T</td>
<td>1 per 300m²</td>
</tr>
<tr>
<td>A and H</td>
<td>2 per lot</td>
</tr>
</tbody>
</table>

- The subject site has a total area of 980m²
- The development proposes 3 x dwellings and therefore complies with density of 1 per 300m²

COMPLIES
5.4.2 Residential Height Limitations

The purpose of this clause is to ensure that the development of residential buildings is of a height that:
(a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
(b) does not unduly overlook adjoining properties.

1. The height of any point of a residential building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.

2. The consent authority may consent to a residential building that is not in accordance with sub-clause 5 only if:
   (a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
   (b) additional height is provided for by an applicable Area Plan.

3. The consent authority must not consent to a residential building in Zone MR that abuts land in Zone LR that:
   (a) exceeds a height of 3 storeys above ground level; or
   (b) subject to clause 5.2.2, in any other circumstance exceeds 4 storeys above ground level.

4. The consent authority may consent to a residential building that exceeds 8 storeys in height in Zone HR only if:
   (a) it is satisfied that the height of the building is appropriate having regard to the purpose of this clause and the relevant Zone Purpose and Outcomes in Part 3 of this Scheme; or
   (b) it is provided for within an applicable Area Plan.

5. Subject to clause 5.2.2, the height of a residential building that may be constructed on a site is to be determined in accordance with the table to this clause.

<table>
<thead>
<tr>
<th>Table to Clause 5.4.2: Residential Height Limitations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>LR and for a dwelling, single in Zones CL, CV and T</td>
</tr>
<tr>
<td>LMR and for dwellings, group in Zones CL, T and for dwellings, multiple in Zone T</td>
</tr>
</tbody>
</table>

- All 3 dwellings are single storey and do not exceed 8.5m in height.

COMPLIES

5.4.3 Building Setbacks of Residential Buildings & Ancillary Structures

The purpose of this clause is to ensure that residential buildings and ancillary structures are located in a manner that:
(a) is compatible with the streetscape and surrounding development including residential buildings on the same site;
(b) minimises adverse effects of building massing when viewed from adjoining land and the street;
(c) avoids undue overlooking of adjoining properties; and
(d) facilitates breeze penetration through and between buildings.

1. The consent authority may consent to a development that is not in accordance with sub-clause 5 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.
2. In this clause:
   (a) an ancillary structure includes an outbuilding, verandah, balcony, shade sail and the like, which may or
        may not include external walls; and
   (b) where a lot has a boundary with a public street from which vehicular access to the lot is restricted by the
        controlling Agency or local authority, this boundary shall be considered a side or rear lot boundary for the
        purpose of calculation of the building setback.

3. This clause does not apply in Zones CB, C, LI, GI and DV.

4. Despite subclause 5 a shed in Zones other than H, A, RR, RL and R may have a nil setback to the side and
   rear boundaries provided it is
   (a) 6m or more from the primary street and 2.5m or more from a secondary street when measured to the wall
       of the shed or where there is no wall, the outer face of any column;
   (b) has a cumulative floor area of 15m² or less;
   (c) is 2.5m or less in height;
   (d) has no openings in walls that are less than 1.5m from a lot or unit title; and
   (e) does not discharge rainwater on an adjacent lot or unit title.

5. Subject to clause 5.2.7, residential buildings and ancillary structures are to be setback from lot boundaries in
   accordance with table A or B (as the case requires) to this clause noting that no part of the roof structure,
   including gutters and eaves, is to encroach more than 0.9m into the minimum building setbacks (subject to the
   Building Code of Australia) from the lot boundaries.

### TABLE A to clause 5.4.3 (Minimum Building Setbacks for residential buildings and ancillary structures in zones other than RR, RL, R, H and A)

<table>
<thead>
<tr>
<th>Boundary</th>
<th>Setback Requirements</th>
<th>Building Setbacks Proposed</th>
<th>Complies Yes/No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary street frontage</td>
<td>6m for residential buildings, and ancillary structures with external walls; and</td>
<td>9.38m (to corner of dwelling) (Unit 1)</td>
<td>YES</td>
</tr>
<tr>
<td>(Ballingall Street)</td>
<td>4.5m for ancillary structures without external walls; or</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>3m for shade sails, to a maximum height of 2.5m at the minimum setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Secondary Street (rear laneway)</td>
<td>2.5m for residential buildings (1.6m roof eaves / gutters); and</td>
<td>1.225m (to wall/ cladding) &amp; 0.7m (to eaves on Units 2 &amp; 3)</td>
<td>NO</td>
</tr>
<tr>
<td></td>
<td>1.5m for verandahs, balconies, and ancillary structures (0.6m roof eaves / gutters); or</td>
<td>Building exceeds 18m – see clause 5.4.3.1</td>
<td></td>
</tr>
<tr>
<td></td>
<td>0.9m for shade sails, to a maximum height of 2.5m at minimum setback</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side boundary – north</td>
<td>1.525m to wall/cladding) &amp; 1.0m (to eaves of Unit 2)</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Lot 1366</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Side boundary - south</td>
<td></td>
<td>~5m (Unit 3 &amp; Single Dwelling)</td>
<td>YES</td>
</tr>
<tr>
<td>Lot 9100</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Carports are not proposed - carparking spaces are located behind secure fence lines with roller door access for Unit 1 & 2.
- A variation is required for the reduced setback of 1.225m from the rear boundary (Laneway) where a 2.5m setback is required for the secondary street.

**DOES NOT COMPLY – REFER CLAUSE 5.4.3.1**
Clause 5.4.3.1 Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height

Ensure that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

1. The consent authority may consent to a development that is not in accordance with sub-clause 3 if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity with sub-clause 3.

2. The length of the building excludes verandahs, balconies, carports and porticos integrated into the residential building design and fully open to affected boundaries.

3. For residential buildings, except dwellings-single, that are longer than 18m or taller than 4 storeys, additional setback requirements apply to those outlined in the tables to clause 5.4.3 as follows:

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
</table>
| 5.4.3.3(a) | for each additional 3m or part thereof in building length over 18m, an additional building setback to the affected boundary of 0.5m; and | Does not comply – (see table below)  
• Units 2 & 3 have a total length of 19.73m  
• This exceeds the 18m maximum length by 1.73m therefore requiring an additional setback to the laneway of 0.05m where a 2.5m setback is ordinarily required |
| 5.4.3.3(b) | for each additional storey over four storeys above ground level, an additional building setback to that storey of 1.5m from all boundaries. | Not applicable – all dwellings are single storey |
| 5.4.3.4 | No part of a residential building is required to exceed a building setback of 10.5m from any boundary | There are no setbacks exceeding 10.5m |

Property Boundary | Total Length | Scheme Requirement | Setback(s) Proposed | Complies Y/N |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Street – West (Ballingall Street)</td>
<td>N/A</td>
<td>6m</td>
<td>&lt;10m (to walls)</td>
<td>YES</td>
</tr>
<tr>
<td>Secondary Street – East (Laneway)</td>
<td>~20m</td>
<td>3.0m</td>
<td>1.225m (to wall)</td>
<td>NO</td>
</tr>
<tr>
<td>Side – North (Lot 1366)</td>
<td>~20m</td>
<td>1.5m</td>
<td>1.525m (to wall – Unit 2)</td>
<td>YES</td>
</tr>
<tr>
<td>Side – South (Lot 9100)</td>
<td>~20m</td>
<td>1.5m</td>
<td>~5m (to wall – Unit 3)</td>
<td>YES</td>
</tr>
</tbody>
</table>

- The development can only achieve a 1.225m setback from the wall to the secondary street boundary (Laneway) where 3.0m is required for buildings exceeding 18m in length

**DOES NOT COMPLY – VARIATION SOUGHT**

Clause 5.4.3.2 Distance Between Residential Buildings on one Site

The purpose of this clause is to ensure residential buildings provide a sympathetic interface with the streetscape and surrounding development, minimise adverse effects of building massing, and avoid undue overlooking of adjoining residential buildings and private open space.

1. The consent authority may consent to a development that is not in accordance with sub-clauses 2 and 3 only if it is satisfied it is consistent with the purpose of this clause and that the design of the development adequately mitigates the adverse effects of building massing and privacy and overlooking impacts that may arise from non-conformity with sub-clauses 2 and 3
### Subclause 5.4.3.2
Where more than one building comprising one or two storey residential buildings is located on a site, the distance between the buildings is to be calculated in accordance with Table A to Clause 5.4.3 as if there was a lot boundary between the buildings.

**Comment:**
- **Does not Comply**
  - Building setback distance between Unit 1 and 3 achieves a 3 metre setback.
  - Building setback distance between Unit 1 and 2 does not comply with the 3 metre requirement.

### Subclause 5.4.3.3
Where more than one building comprising residential buildings that exceeds two storeys in height is located on a site, the distance between buildings is to be a minimum of:

<table>
<thead>
<tr>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) 3m for walls to non-habitable rooms and habitable rooms without windows or doors; and (b) 4.5m for walls with windows or doors to habitable rooms or to a verandah or balcony.</td>
<td>Not Applicable. The proposed development will be construction of 2 x 3 bedroom multiple dwellings in a single storey building.</td>
</tr>
</tbody>
</table>

### Subclause 5.4.3.4
For each storey over four storeys, the distance between buildings referred to in sub-clause 3 is measured from a straight line that is half the average distance between the walls of the buildings.

**Comment:**
- Not Applicable.
  - The proposed development will be single storey.

### Subclause 5.4.4.2
An extension or ancillary structure to a dwelling-group or dwelling-multiple is:

<table>
<thead>
<tr>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
</table>
| (a) to be located in accordance with clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures); | "Front setback of 1.2m to carport roller door (Unit 1)  
  - Front setback of approximately 10m to roller door of Unit 2.  
  - Carparking spaces will be provided behind secure fence lines with roller door access for Units 1 & 2."
| (b) to be contained wholly within the respective unit title and not on or over a registered easement; | "There is an easement is on the southern side of Unit 3  
  - There are no structures built on or over the easement."
| (c) to be of a scale and design compatible with the existing dwellings and the streetscape and surrounding development including residential buildings on the same site; | The scale of the development is consistent with the zone and with other multiple dwelling developments in the area. |
| (d) not to result in:  
  i. the creation of a habitable area capable of separate occupancy;  
  ii. an additional storey; or  
  iii. an increase in the maximum height of the development; and | The carports have a roller door on the front but no roof or side walls.  
  - They are at ground/street level.  
  - They are no higher than the single-storey dwellings proposed. |

- The Building setback distance between Unit 1 and 2 does not comply with the 3 metre requirement

**DOES NOT COMPLY – VARIATION SOUGHT**

### Clause 5.4.4 (Extensions and Structures Ancillary to a Dwelling-Group or Dwelling-Multiple Development)

The purpose of this clause is to ensure an extension or ancillary structure that is ancillary to an existing dwelling-group or dwelling-multiple responds to the streetscape and surrounding development.

1. An extension to an existing dwelling-group or dwelling-multiple, or addition of an ancillary structure, is Permitted without consent if it complies with sub-clause 2.
5.4.2(e) to include adequate measures to prevent the discharge of concentrated stormwater onto an adjacent lot or unit title. The application states stormwater will be directed down the driveways and into the street. This will be subject to ASTC’s standard conditions for onsite stormwater management.

EXPECTED TO COMPLY

Clause 5.4.6 (Private Open Space)

Extend the function of a dwelling and enhance the residential environment by ensuring that each dwelling has private open space that is:

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

1. The consent authority may consent to private open space that is not in accordance with sub-clauses 4 and 5 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.

2. If a dwelling within a dwelling-multiple development has no direct access at ground level to private open space, and where on-site communal open space is provided, compliance with purpose provisions (c) and (d), and sub-clauses 4(d), (e) and (f) is not required. Northern Territory Planning Scheme 2020 Part 5-47

3. The consent authority may consent to dwellings-multiple comprising serviced apartments in Zone TC that is not in accordance with sub-clauses 4 and 5 only if it is satisfied that the communal open space and communal facilities will adequately meet the activity needs of residents.

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling-multiple without direct ground level access</td>
<td>12m² with no dimension less than 2.8m</td>
</tr>
</tbody>
</table>

For clarity, in this table:
- **Area A** is the minimum area, for each dwelling, that must be open vertically to the sky and have no dimension less than 1.5m.
- A least half of Area A must be permeable, and may include the 5m² required for deep soil planting.
- **Area B** is the minimum dimensioned space that extends the function of the dwelling and may be covered or open to the sky.

Any part of Area B that is open to the sky may form part of Area A.

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dwelling-group and dwelling-multiple with direct ground level access</td>
<td>45m², open vertically to the sky, with no dimension less than 1.5m, and</td>
</tr>
<tr>
<td>Dwelling-single on a lot less than 450m²</td>
<td>24m², all or partly covered, with no dimension less than 4m.</td>
</tr>
<tr>
<td>Dwelling-independent in addition to the private open space requirement for the dwelling - single</td>
<td>50m², open vertically to the sky, with no dimension less than 1.5m, and</td>
</tr>
<tr>
<td>Dwelling-single on a lot not less than 450m²</td>
<td>36m², all or any part covered, with no dimension less than 6m.</td>
</tr>
<tr>
<td>Subclause</td>
<td>Design Requirement</td>
</tr>
<tr>
<td>-----------</td>
<td>--------------------</td>
</tr>
<tr>
<td>5.4.6.4(a)</td>
<td>satisfy the minimum area, dimensions and open to the sky requirements contained in the table to this clause;</td>
</tr>
<tr>
<td>5.4.6.4(b)</td>
<td>be directly accessible from the dwelling and enable an extension of the function of the dwelling; and</td>
</tr>
<tr>
<td>5.4.6.4(c)</td>
<td>be located to provide views from the dwelling to open space and natural features of the site or locality, and to reduce overlooking from neighbouring open space and dwellings;</td>
</tr>
<tr>
<td>5.4.6.4(d)</td>
<td>ensure that at least half of the private open space is permeable to allow stormwater infiltration and lessen stormwater runoff from the site;</td>
</tr>
<tr>
<td>5.4.6.4(e)</td>
<td>include at least one area of at least 5m², with no dimension less than 1.5m, for the deep soil planting of trees and vegetation for shade or screening; and</td>
</tr>
<tr>
<td>5.4.6.4(f)</td>
<td>allow for landscaping at the property frontage to complement the visual amenity of the streetscape.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.6.5</td>
<td>Where the private open space is at ground level and other than for a dwelling-single, or a dwelling-single and associated dwelling-independent it should be:</td>
<td></td>
</tr>
<tr>
<td>5.4.6.5(a)</td>
<td>screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or</td>
<td>• Rear fence (Laneway) is 2.4m high  • Fencing between residences and private open space areas is 1.8m high  • Side boundary (north) fencing currently 1.6m high will be replaced with 1.8m high fence.  • Side boundary (south) fencing is 2.1m high</td>
</tr>
<tr>
<td>5.4.6.5(b)</td>
<td>fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within two years of planting.</td>
<td></td>
</tr>
</tbody>
</table>

**COMPLIES**

**Clause 5.4.7 (Communal Open Space)**

*Ensure that suitable areas for communal open space are provided for dwellings-group, dwellings-multiple, residential care facilities and rooming accommodation.*

1. This clause does not apply to dwelling-group or dwelling-multiple where each dwelling has direct and independent access to private open space at ground level.
2. The consent authority may consent to a dwelling-multiple comprising serviced apartments in Zone TC that is not in accordance with sub-clause only if it is satisfied it is consistent with the purpose of this clause and that the private open space associated with each dwelling provides appropriate opportunities for outdoor activities.
3. A minimum of 15% of the site, being not less than 6m wide at any point, is to be communal open space.
4. The design of the communal open space should address:
   (a) the overall dwelling density proposed for the site;
   (b) the proximity and quality of alternative private or public open space;
   (c) the need to clearly distinguish communal open space from private and public open space and the need to maintain the reasonable privacy of nearby dwellings;
   (d) the type of activities to be provided for;
(f) the projected needs of children for outdoor play;
(g) safety issues including lighting and informal surveillance;
(h) on-site traffic circulation; and
(i) future maintenance and management requirements.

- All dwellings have direct access to private open space at ground level, therefore communal open space is not required.

**NOT APPLICABLE**

**Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility)**

*The purpose of this clause is to promote site-responsive designs for dwelling-group, dwelling-multiple, rooming accommodation and residential care facility, which provide a pleasant living environment for the occupants and a sympathetic interface with adjoining lots, to minimise unreasonable impacts on the privacy and amenity of surrounding residents.*

1. This clause does not apply when only two dwellings form the dwellings-group.
2. The consent authority should take into account how the building design has addressed sub-clauses 3-14.

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.4.8.3</td>
<td>Locate development on the site for correct solar orientation.</td>
<td>• All outdoor private open space areas face north. • Windows of living areas facing north are glazed.</td>
</tr>
<tr>
<td>5.4.8.4</td>
<td>Minimise expanses of walls by varying building heights, building setbacks and façades.</td>
<td>• The design is articulated to reduce wall expanse.</td>
</tr>
<tr>
<td>5.4.8.5</td>
<td>Locate air conditioners where they are accessible for servicing.</td>
<td>• All air conditioning units will be mounted on the wall, 300mm above Q100 flood level. • All units will be mounted in the rear yard.</td>
</tr>
<tr>
<td>5.4.8.6</td>
<td>Conceal service ducts, pipes, air conditioners, air conditioning plants etc</td>
<td>• All AC units and associated pipes etc. will be located in rear yard behind privacy screening • Gargage bins and clothes lines are located in rear yard.</td>
</tr>
<tr>
<td>5.4.8.7</td>
<td>Avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites.</td>
<td>• The design of the dwellings does not allow for overlooking.</td>
</tr>
<tr>
<td>5.4.8.8</td>
<td>Locate bedrooms and private open spaces away from noise sources.</td>
<td>• There are no major noise sources nearby • Ballingall Street is not a noise area</td>
</tr>
<tr>
<td>5.4.8.9</td>
<td>Control its own noise sources and minimise the transmission of noise between dwellings.</td>
<td>• The units are separated by reinforced masonry walls</td>
</tr>
<tr>
<td>5.4.8.10</td>
<td>Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.</td>
<td>• There are no major noise sources nearby • Adjacent roads are all for local traffic.</td>
</tr>
<tr>
<td>5.4.8.11</td>
<td>Balance the achievement of visual and acoustic privacy with passive climate control features.</td>
<td>• Fencing and landscaping will enhance the visual and acoustic privacy of outdoor living areas. • Buildings are designed to provide passive climate control with eaves facing east and west to minimise effects of morning and afternoon sun. • Outdoor living areas all have a northern orientation.</td>
</tr>
<tr>
<td>5.4.8.12</td>
<td>Allow breeze penetration and circulation.</td>
<td>• The design allows for prevailing breeze penetration. • Living areas have windows to encourage cross flow ventilation.</td>
</tr>
<tr>
<td>5.4.8.13</td>
<td>Minimise use of reflective surfaces.</td>
<td>• All finishes on walls will be low sheen. • Fencing will be Colorbond®</td>
</tr>
<tr>
<td>5.4.8.14</td>
<td>Provide internal drainage of balconies and coving on the edge of balconies.</td>
<td>N/A to this development.</td>
</tr>
</tbody>
</table>

**COMPLIES**
Schedule 5 Reference Guidelines

1. The interpretation of the NT Planning Scheme and the determinations of a consent authority must have regard to the policies and planning concepts expressed in those documents appearing in Part 5 or Schedule 5 and ensure that a use or development or proposed use or development is consistent with them.

2. Where there is an inconsistency between any applicable policy and this Planning Scheme, the provisions of the Planning Scheme will prevail.

Alice Springs Regional Land Use Plan 2016

The Alice Springs Regional Land Use Plan is listed as a relevant policy document, the subject site is located within an established urban area of Alice Springs and the land use is considered compatible with the guidance / objectives contained within the Land Use Plan including:

- Utilising a well located, appropriately zoned site, with access to established infrastructure and services, to promote compact urban form;
- Adding to housing choice (number of dwellings / style of housing) within the urban area of Alice Springs

Compact Urban Growth Policy

The Compact Urban Growth Policy is listed as a reference document under the Schedule to Clause 2.7. This Policy aims to create compact and mixed activity places, and higher density residential buildings can be encouraged where they align with the philosophy of occurring within 400m of activity centres and public transport nodes, with a transition zone where dwelling and activity density will become less intense and will transition to lower densities generally matching the surrounding locality outside of the 400m radius. The Policy provides objectives and key performance indicators which can be used in an assessment.

- The subject site is zoned MD (Multiple Dwelling Residential) and multiple dwellings are a discretionary land use in the zone.
- The site is located in close proximity to the Alice Springs Aquatic and Leisure Centre and Traeger Park.
- Alice Springs Town Council managed neighbourhood parks and open space are nearby.
- In terms of site constraints, current flood modelling indicates that the site is liable to inundation in a 1% AEP Defined Flood Event.
To whom it may concern

**RE: REVISED PROPOSAL FOR A MULTIPLE DWELLING DEVELOPMENT**
**LOST 1365 – 11 BALLINGALL STREET, ALICE SPRINGS**

Thank you for the opportunity to make a submission in response to the revised proposal for a multiple dwelling development at lost 1365 – 11 Ballingall Street, Alice Springs.

We have previously made submissions in relation to this proposed development (and attended subsequent meetings of the Development Consent Authority) in November/December 2018 and May 2019.

I refer to our email to Jennifer Ryan on 8 May 2019 re: PA 2018/0458 (copies of email and acknowledgement of receipt of email have been included in submission documents).

In the email we requested that the entire boundary fence between 9 Ballingall Street (lot 1366) and the proposed development site, 11 Ballingall Street (lot 1365) be replaced with a new 2.4 m fence.

We furthermore noted in our email that the revised plans submitted at that time refers to type “B” and type “C” fences (last paragraph of our email) and goes on to explain our concerns and reason for requesting the full boundary fence to be replaced.

We also believe that, at the subsequent meeting of the Development Consent Authority later in May 2019, it was agreed that a condition for approval would be the replacement of the entire existing boundary fence.

Hence, we expected to see a replacement of the existing boundary fence with a new 2.4 m boundary fence in the revised proposal. And if this had been the case, we would not have raised any further objection/made a further submission.

We note, however, despite the Preamble in the “Statement of Effect” of the newly submitted revised plans referring to the Development Permit DP19/0136, that the fence will only be partially replaced – refer sheet A02 and A03 of the revised proposal, which indicates that the existing boundary fence (fence type C on sheet A03) is to remain.

This is contradictory to the previously agreed replacement of the entire boundary fence at the Development Consent Authority meeting in May 2019.

Furthermore, the submitted revised plans are contradictory with regards to the height of the existing fence to remain.

In drawing A03 the height of the existing fence to remain is 2.1m but in drawing A07 3D Northern View it is stated “Existing 1.8m high boundary privacy fence omitted for clarity”.
The height of the existing boundary fence is inconsistent in the drawings.

And, upon measuring the fences we noted that neither of the heights quoted in the revised plans agree to actual heights:

1. The existing boundary fence to the back of the two lots measures 1.85m
2. The existing boundary fence to the front of the two lots measures 1.65m

With the revised proposal the parts of the existing fence that will remain are:

1. 2.35m of the 1.85m fence (in the middle of the boundary)
2. 17.1m of the 1.65m fence to the front of the lots/boundary

We, therefore, request that the 2.4 m boundary fence (as agreed at the meeting in May 2019) remain a condition of the revised proposal for development being approved.

We would also like to clarify whether, going by the drawings on A07, the poles of the new fences will be on the lot 1365 side of the fence – refer drawings A07 3D Western View showing vertical lines on the fence (suggesting fence poles) whilst no such lines appear on the fence in the 3D Northern View.
In closing:
We request that, in keeping with the agreement reached at the May 2019 meeting of the Development Consent Authority, the full existing boundary fence between lot 1365 (11 Ballingall Street) and lot 1366 (9 Ballingall Street) be replaced with a 2.4. m fence with the fence tapered off on the street side of the lots to join the existing front fence of 9 Ballingall Street (similar to photo below taken of fence at 1 Ballingall Street).

We will also be happy to arrange a mutually suitable time for you to visit our property if you wish to inspect and/or measure the existing boundary fences.

Thank you in advance.

Kind regards
Colin Weston and Elna Dry
Dear Madam Chair,

PROPOSED DEVELOPMENT – LOT 1365, 11 BALLINGALL STREET

I refer to the letter from the Authority dated 09/07/2020 (reference PA2020/0209) regarding a development permit application to construct 2 x 3 bedroom multiple dwellings in a single storey building and retain existing 3 bedroom dwelling.

Local authority matters

This application has been assessed on the technical requirements in regard to access, potential impact to Council infrastructure and drainage only.

Further broader comments may be provided as a result of Council’s assessment of the application or by Council’s representative at the Consent Authority meeting.

Service authority matters

The present application has been reviewed against Council’s technical requirements for developments and the premise that all building construction should comply with Building Code of Australia.

Applying these references, Council recommends that the Authority include the following conditions in any Development Permit issued pursuant to the application:

1. All stormwater and gutter runoff from impervious areas is to be contained within the site or discharged to the Council stormwater drainage system according to the Alice Springs Town Council Subdivision and Development Requirements, as at August 2018. If the developer discharges stormwater into Council’s drainage system a permit to work within the road reserve must be obtained from Council before commencement of the work.
2. Kerb crossovers and driveways from the site boundary to the public street shall be subject to
the approval of the Alice Springs Town Council and shall be provided to the requirements and
satisfaction of the Director Technical Services, Alice Springs Town Council, at no cost to the
Council.

3. A “Permit to work within the Alice Springs Town Council Road Reserve” must be obtained prior
to the construction of anything along the verge, such as pipework, kerb crossovers and
driveways. Any kerb crossovers not required to service the development shall be reinstated to
the satisfaction of the Director of Technical Services, Alice Springs Town Council, at no cost
to the Council.

4. Sight lines shall be provided at the junction between the means of ingress and egress to the
site and any public roads and fencing constructed to comply with Subdivision Guidelines to the
satisfaction of the Director Technical Services, Alice Springs Town Council. No fence, hedge
or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

**Note:**

I confirm that Council’s fee for assessment of this development application is a Multiple Dwelling
Fee (1 to 4 units) of $862.30 (GST exempt), as set out in the current Alice Springs Town Council
Municipal Plan. This Development Assessment Fee must be paid prior to Council undertaking any
assessment/works or inspections pursuant to the development permit upon issue. In addition to
the above, complex developments requiring engineering assessment and approvals will be
charged by the estimated hour (fee per hour). This Development Assessment Fee must be paid
prior to Council undertaking any assessment/works or inspections pursuant to the development
permit upon issue. The fee must only be paid once a Development Permit is released by the
authority based on a condition requiring clearance from Council.

Further technical observations may be provided by Council’s representative at any hearing of the
application should such be deemed necessary.

If the Authority or the applicant would like to discuss this matter further, they should contact
Manager Developments on 8950 0538.

Yours faithfully

Dilip Nellikat
MANAGER DEVELOPMENTS

Cc: Zone A Pty Ltd
c/ Mr Stuart Chalmers
PO Box 4999
ALICE SPRINGS
NT 0871

Email: zonea@westnet.com.au
DEVELOPMENT PERMIT
DP19/0136

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 01365
Town of Alice Springs
11 BALLINGALL ST, THE GAP

APPROVED PURPOSE
To use and develop the land for the purpose of 3 x 3 bedroom multiple dwellings in 2 x 1 storey buildings, in accordance with the attached schedule of conditions and the endorsed plans.

VARIATIONS GRANTED
Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme.

BASE PERIOD OF THE PERMIT
Subject to the provisions of sections 58, 59 and 59A of the Planning Act 1999, this permit will lapse two years from the date of issue.

PETER SOMERVILLE
Delegate
Development Consent Authority
DEVELOPMENT PERMIT
DP19/0136

SCHEDULE OF CONDITIONS

CONDITION PRECEDENT

1. Prior to commencement of works (including site preparation), an amended plans are to be submitted for endorsement by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the amended plans submitted by the applicant on 28/03/2019, but further amended to show:
   (a) Verification from a Licensed Surveyor of the "ground level" (as defined in the NT Planning Scheme) of Lot 1365. The level/s shall be provided in AHD (Australian Height Datum);
   (b) building setbacks (support columns and roof eave to primary street boundary) for the Unit 1 carport; and
   (c) demolition of the existing north boundary fence (shared boundary of Lot 1365 and Lot 1366) and construction of a 2.4m high (above finished ground level) solid fence and associated plinth along the length of the boundary;
   (d) improved boundary privacy fencing/screening to the south side boundary of site and secondary street boundary to a height of no less than 1.5m above the finished floor levels of the proposed dwellings. The Development Consent Authority may accept a combination of solid screening and lattice as well as planting, provided that it is satisfied that the screening will ensure a satisfactory level of privacy to occupants of the site and adjoining properties.
   (e) Deletion of the existing gate/s to the secondary street boundary
   (f) Fencing to the Ballingall Street private open space boundary that complies with sub-clause 4 of Clause 7.5 of the NT Planning Scheme.

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.

5. 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.
6. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council the Department of Infrastructure, Planning and Logistics. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.

7. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall;
   a) remove any disused vehicle and/or pedestrian crossovers; and
   b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council, to the satisfaction of the consent authority.

8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, on advice from on advice from the Council.

9. 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. Occupancy Certification (under the Building Act 1993) will not be able to be granted until such time as addressing is obtained.

10. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer’s Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au.

11. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscaping plan must be carried out and completed, in accordance with the endorsed plans, to the satisfaction of the consent authority.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

13. Before the use or occupation of 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) line marked or otherwise suitably delineated to indicate each car parking space;
   d) surfaced with an all-weather-seal coat; and
   e) drained;
   to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.

14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Before a Certificate of Compliance (section 65 of the Planning Act 1999) can be issued and pursuant to section 34 of the Land Title Act 2000, a Caution Notice shall be lodged with the Registrar General on the land title to include the following advice. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP (Annual Exceedance Probability) Defined Flood Event". Evidence of lodgement on the land title shall be provided to the satisfaction of the consent authority.

16. The finished floor levels of "habitable rooms" of the three dwellings must be no lower than 572.9 metres Australian Height Datum. The developer shall demonstrate compliance with this condition by providing "as constructed" finished levels of each dwelling, confirmed by a Licensed Surveyor. This condition is to the satisfaction of the Development Consent Authority.

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

NOTES:

1. This development permit does not grant "building approval" for the proposed structures and 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. Prior to applying for building approval and works commencing, 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. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves (Ballingall Street and rear laneway).

4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentsouth@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.

5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955355 (surveylandrecords@nt.gov.au).

6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority’s Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

7. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

9. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

10. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html
22 July 2020

The Chairperson
Development Consent Authority
PO Box 2130
ALICE SPRINGS NT 0871

Attention: Mr. Peter Somerville

Dear Madam Chair,

PROPOSED DEVELOPMENT – LOT 1365, 11 BALLINGALL STREET

I refer to the letter from the Authority dated 09/07/2020 (reference PA2020/0209) regarding a development permit application to construct 2 x 3 bedroom multiple dwellings in a single storey building and retain existing 3 bedroom dwelling.

Local authority matters

This application has been assessed on the technical requirements in regard to access, potential impact to Council infrastructure and drainage only.

Further broader comments may be provided as a result of Council’s assessment of the application or by Council’s representative at the Consent Authority meeting.

Service authority matters

The present application has been reviewed against Council’s technical requirements for developments and the premise that all building construction should comply with Building Code of Australia.

Applying these references, Council recommends that the Authority include the following conditions in any Development Permit issued pursuant to the application:

1. All stormwater and gutter runoff from impervious areas is to be contained within the site or discharged to the Council stormwater drainage system according to the Alice Springs Town Council Subdivision and Development Requirements, as at August 2018. If the developer discharges stormwater into Council’s drainage system a permit to work within the road reserve must be obtained from Council before commencement of the work.
2. Kerb crossovers and driveways from the site boundary to the public street shall be subject to the approval of the Alice Springs Town Council and shall be provided to the requirements and satisfaction of the Director Technical Services, Alice Springs Town Council, at no cost to the Council.

3. A “Permit to work within the Alice Springs Town Council Road Reserve” must be obtained prior to the construction of anything along the verge, such as pipework, kerb crossovers and driveways. Any kerb crossovers not required to service the development shall be reinstated to the satisfaction of the Director of Technical Services, Alice Springs Town Council, at no cost to the Council.

4. Sight lines shall be provided at the junction between the means of ingress and egress to the site and any public roads and fencing constructed to comply with Subdivision Guidelines to the satisfaction of the Director Technical Services, Alice Springs Town Council. No fence, hedge or tree exceeding 0.6 metres in height shall be planted in front of the sight line.

Note:

I confirm that Council’s fee for assessment of this development application is a Multiple Dwelling Fee (1 to 4 units) of $862.30 (GST exempt), as set out in the current Alice Springs Town Council Municipal Plan. This Development Assessment Fee must be paid prior to Council undertaking any assessment/works or inspections pursuant to the development permit upon issue. In addition to the above, complex developments requiring engineering assessment and approvals will be charged by the estimated hour (fee per hour). This Development Assessment Fee must be paid prior to Council undertaking any assessment/works or inspections pursuant to the development permit upon issue. The fee must only be paid once a Development Permit is released by the authority based on a condition requiring clearance from Council.

Further technical observations may be provided by Council’s representative at any hearing of the application should such be deemed necessary.

If the Authority or the applicant would like to discuss this matter further, they should contact Manager Developments on 8950 0538.

Yours faithfully

Dilip Nellikat
MANAGER DEVELOPMENTS

Cc: Zone A Pty Ltd  
c/ Mr Stuart Chalmers  
PO Box 4999  
ALICE SPRINGS  
NT 0871

Email: zonea@westnet.com.au
Dear Ms Driver

Re: PA2020/0209 - Lot 1365 Town of Alice Springs, Construct 2 x 3 bedroom multiple dwellings in a single storey building and retain existing 3 bedroom dwelling

The Department of Environment and Natural Resources has assessed the information contained in the above application and has not identified any issues of concern with respect to this submission.

Should you have any further queries regarding these comments, please contact Maria Wauchope by email maria.wauchope@nt.gov.au or phone (08) 8999 3692.

Yours sincerely

Luis Da Rocha
Executive Director, Rangelands

20 July 2020
Dear Julie

Re: Lot 1365, 11 Ballingall Street, Town of Alice Springs

In response to your letter of the above proposal for the purpose to construct 2 x 3 bedroom multiple dwellings in a single storey building and retain existing 3 bedroom dwelling, Power and Water advises the following with reference to electricity enquiries:

1. This property is provided with limited capacity of power supply. Any new development that requires additional power supply will be subject to assessment by Power and Water, in accordance with the current Networks Capital Contributions Policy (NCCP). The Developer in this case is responsible for the full cost of power upgrade requirements when applicable.

2. The Developer shall engage a licensed electrician to submit an overall maximum power demand calculation of the proposed development to Power and Water for assessment.

3. The Developer shall be responsible to supply and install suitable consumer’s mains capable of carrying the maximum demand of the new development.

4. The Developer shall obtain written approval from the Network Connections Officer (email: CustConnSthnRegion.PWC@powerwater.com.au) for compliance on customer’s internal electricity reticulation in accordance with Power and Water’s current Installation Rules, Service Rules and specific Metering requirements for multi-metering development prior to commencing any electrical installation. Non-compliant customer’s electrical installations would cause significant delays to rectify by the Developer prior to power service be made available to the development for obtaining Permit to Occupy authorisation.

If you have any further queries, please contact the undersigned on 8951 7302.

Yours sincerely

Richard Drummond
Customer Connections Coordinator
22nd July 2020
Dear Julie,

RE: PA2020/0209 - LOT 01365 TOWN OF ALICE SPRINGS - 11 BALLINGALL ST, THE GAP NT – CONSTRUCT 2 X 3 BEDROOM MULTIPLE DWELLINGS IN A SINGLE STOREY BUILDING AND RETAIN EXISTING 3 BEDROOM DWELLING

In response to your letter of the above proposal for development application purpose, Power and Water Corporation Water Services advises the following with reference to water and sewer enquiries:

1. **WASSEP FEES:** WASSEP fees are applicable to this development. Please see link to PWC WASSEP policy: [https://www.powerwater.com.au/developers/power/development-charges](https://www.powerwater.com.au/developers/power/development-charges)

2. The developer will need to upgrade the existing water and sewer service and should contact Services Development prior to start of construction.

3. Multi-metering is required for all new multiple residential dwelling developments that are to be unit-titled

4. All required works mentioned above must all be at according to Power and Water’s Connection Code and at the developer’s expense. A letter will be sent to the applicant outlining the fees and charges applicable for this development. All standard and quoted charges, as well as contribution charges will be valid for a period of 6 months from date of letter issue. As required, Power and Water will reassess the charges for the development.

5. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.
If you have any further queries, please contact the undersigned on 89517312, or email waterdevelopment@powerwater.com.au

Yours sincerely,

Karl Smith
Services Development

20/07/2020

cc: Mr Stuart Chalmers
email: zonea@westnet.com.au
Dear Sir/Madam,

PA2020/0209

**DATE:** 15 July 2020

Survey Land Records has NIL comment regarding the Planning Application PA2020/0209.

Survey Land records will assign street addressing to the development on data allocation according to the Australian/New Zealand Standard.

Please be aware that there may be survey marks within the area, if any of these become disturbed please advise Survey Land Records.

Kind Regards
Survey Land Records