DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 217 – WEDNESDAY 15 MARCH 2017

DOUBLETREE BY HILTON
SPINIFEX ROOM
BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Denis Burke (Chairman), David Koch, Jade Kudrenko, Jamie de Brenni

APOLOGIES: Alistair Feehan

OFFICERS PRESENT: Peter Somerville, Julie Driver, Ben Wollinski, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:45 am and closed at 11:30 am
ITEM 1 PERGOLA/VERANDAH AND SHED ADDITIONS TO SINGLE DWELLING WITH REDUCED BUILDING SETBACKS TO SIDE AND REAR BOUNDARIES
PA2017/0040 LOT 6526, 135 DIXON ROAD, SUBURB OF BRAITLING, TOWN OF ALICE SPRINGS
APPLICANT STEVE ADLER

Mr Steve Adler attended the meeting and spoke in support of the application.

The submitter did not attend the meeting.

RESOLVED 0021/17

That, the Development Consent Authority varies the requirements of:

- clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to approve the Verandah with a reduced side setback on the northern boundary of 1.02m to the gutters/eaves where a 1.5m setback is required;

- clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) to approve the shed with a reduced side setback on the southern boundary of 0.5m and a reduced rear setback on the western boundary of 0.6m where a minimum of 1.0m is required for both sides;

and pursuant to section 53(b) of the Planning Act, alters and consents to the altered development to construct a verandah and shed on Lot 6526 (135) Dixon Road, Suburb of Braitling, Town of Alice Springs subject, subject to the following conditions:

CONDITION PRECEDENT
1. Prior to commencement of works (including site preparation), 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 revised plans showing a 6m x 4m shed tabled at the DCA meeting on 15 March 2017, but amended to comply with a rear boundary setback for the shed including guttering of 600mm.

Amended plans prepared in response to the condition precedent may be submitted to the Development Consent Authority c/o Development Assessment Services, DLPE, c/o Alice Springs Branch via email to DAS.DLPE@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 attached drawings and endorsed as forming part of this permit.
3. Stormwater is to be collected and contained within the site or discharged into the drainage network to the technical standards of, and at no cost to Alice Springs Town Council to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

2. 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.

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

4. A “Permit to Work Within a Road Reserve” may be required from the Alice Springs Town Council before commencement of any work within the road reserve.

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.

REASONS

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

The application proposes a verandah addition with a reduced side setback, and a shed addition with reduced side and rear building setbacks. Aside from the reduced setbacks, the development is compliant with all other provisions of the NT Planning Scheme.

2. A variation is granted to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme to allow the verandah to have a reduced side setback and the shed to have reduced side
These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.

and rear setbacks as:

- the existing amenity and immediate area will not be affected by this development;
- the proposed development is consistent with the policy statement that applies to Zone SD and Clause 7.3 of the NT Planning Scheme;
- the floor area of the shed and verandah is similar to other structures within the Dixon Road locality;
- the building height, roof pitch, building materials and colours of both structures are expected to “blend in” with the existing dwelling on the site, landscaping and fencing;
- the proposed development will not affect adjacent properties as existing solid fencing will provide screening;
- established and new landscaping to the north boundary will provide extra screening;
- there are no windows or doors facing the rear or side boundaries; and
- the design complies with all other provisions of the Scheme.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 73 of the Scheme.

3. Pursuant to section 51 (m) of the Planning Act, the Development Consent Authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.

   a) The Alice Springs Town Council (ASTC) has recommended the inclusion of standard conditions relating to management of stormwater and construction of kerb crossovers. Standard ASTC conditions are included on the permit to assist in ensuring storm water drainage arrangements associated with the additional verandah meet Council’s technical requirements;
   b) The Power and Water Corporation (PAWC) has advised that it has no objections to the proposal.

4. The application was subject to neighbour notification in accordance with the Planning Act and Planning Regulations. One submission was received from the rear neighbouring property at 2 Horizon Court, Braitling.

**ACTION:** DAS to prepare a Notice of Determination for service to the applicant and submitter.
Khaled Aly attended the meeting and spoke in support of the application. Jen Clarsen from Clarsen and Clarsen Landscape Architecture spoke regarding the landscaping.

David Hewitt, submitter spoke further to his submission. Stuart Chalmers attended the meeting on behalf of Damien Johnson and spoke further to Damien’s submission.

DAS tabled a letter from submitter Damien Johnson who was unable to attend the meeting.

RESOLVED

That, the Development Consent Authority (DCA) varies the requirements of:

- Clause 7.1.1 - to allow the proposed 36 multiple dwellings where the scheme would ordinarily allow 34 dwellings;
- Clause 6.5.1 - to allow the additional 10 parking spaces to be in a ‘stacked’ formation; and
- Clause 7.8 - to allow the current orientation of the units based on better than average thermal property assessments for each unit;

and pursuant to section 53(b) of the Planning Act, alters the proposed development and consents to the altered development, to construct 36 x 2 bedroom multiple dwellings in 6 x 3 storey buildings to be constructed in two stages on Lots 666, 667 and 668 Gap Road, Suburb of The Gap, Town of Alice Springs, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works (including site preparation), an amended plans 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 plans included at Bookmark I to the DCA Agenda Report for 15 March 2017 (File Reference PA2017/0006), but amended to:
   a) comply with all minimum secondary street building setback requirements under clause 7.3 and 7.3.1 of the NT Planning Scheme;
   b) include suitably screened private open space areas for all ground floor (level 1) dwellings;
   c) include a staging plan:
      i. clearly reflecting the proposed staging of the development (generally as proposed in the staging plan included in the application as exhibited, but amended to reflect the revised site layout; and identifying access, parking areas and driveways, landscaping and buildings proposed for each stage; and
      ii. providing for the maintenance of the ‘Stage 2’ development area in an orderly state pending the development of that stage.

Amended plans and associated supporting documentation and any ESCP prepared in response to the conditions precedent may be submitted to the
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Development Consent Authority c/o Development Assessment Services, DLPE, c/o Alice Springs Branch via email to DAS.DLPE@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 by the consent authority as forming part of this permit.

3. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.

4. Suitability of access for persons with a disability must be verified by a registered private building certifier prior to commencing use of a stage. If changes to the design of building access are required in order to achieve compliance with relevant accessibility requirements under the National Construction Code and the Building Act, plans may be submitted for endorsement as part of the permit. Plans submitted under this condition should be accompanied by written confirmation from a registered private building certifier verifying acceptability of the design in terms of building standards and requirements.

5. Prior to a certificate of compliance being issued for a stage or multiple stages, written clearances from service authorities for the stage/s must be provided, to the satisfaction of the consent authority.

6. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.

7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks in accordance with the authorities’ requirements and relevant legislation at the time.

9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

10. Prior to the use/occupation of the development and connection of power and water services, the owner of the land must apply for unit/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 doors and meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.

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

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

13. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.

14. All proposed works impacting on Gap Road, Strehlow Street and Hayes Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

15. 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.

16. Before the development starts, a landscape plan/s to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan/s must be generally in accordance with the landscape plan submitted on 2 March 2017, except that the plan must:
   a) clearly detail all landscaping works to be effected during Stage 1 and Stage 2 respectively;
   b) reflect fencing alignment shown in the site plan submitted on 2 March 2017 and endorsed as part of this permit; and
   c) include full details of all boundary and internal fencing to the site; to the satisfaction of the consent authority.

17. Before the use/occupation of a stage of the development starts the landscaping works shown on the endorsed landscape plan for that stage must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, generally in accordance with the endorsed plans, to the satisfaction of the consent authority.

18. 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.
19. Before the use/occupation of the approved development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
   a) constructed;
   b) properly formed to such levels that they can be used in accordance with the plans;
   c) surfaced with an all-weather-seal coat;
   d) drained;
   e) line marked to indicate each car parking space and all access lanes;
   to the satisfaction of the consent authority.

Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.

20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

21. Bin storage and/or collection areas must be graded and drained and screened from public view to the satisfaction of the consent authority.

22. The private open space areas and service yards of each ground floor dwelling shall be screened on each boundary by:
   a) the erection of a solid wall or screen fence not less than 1.8 metres high: or
   b) fenced to a height not less than 1.8 metres high and planted with dense vegetation. This condition is to the satisfaction of the consent authority.

23. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

24. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

25. Any substation, fire booster and water meter arrangements associated with works approved by this permit are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Rescue Service.

26. The finished ground floor levels of habitable rooms of each of the six residential buildings shall be no lower than 572.9 metres Australian Height Datum (AHD) and no higher than 573.4 metres AHD. The developer shall
demonstrate compliance with this condition by providing “as constructed” finished levels (certified by a Licensed Surveyor) of ground floor levels of habitable rooms for each of the five residential buildings. Levels should be provided for a minimum of 4 points on the ground floor of each residential building. This condition is to the satisfaction of the Development Consent Authority.

27. Finished levels for the site shall be in accordance with approved levels and certified by a Licensed Surveyor. This condition is to the satisfaction of the consent authority. Before commencement of the approved use and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar General on Lots 666, 667 and 668 Gap Road, Town of Alice Springs. The Caution Notice is to state that: “This allotment is subject to inundation in a one percent annual exceedance probability flood event”. Evidence of registration of the notice is to the satisfaction of the consent authority.

28. All lots (Lots 666, 667 and 668) shall be consolidated to create one lot prior to the commencement of the approved use.

NOTES

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.

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

3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 (surveylandrecords@nt.gov.au).

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

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

6. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development is available from Department of the Environment and Natural
Resources.

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

8. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via http://www.nbnco.com.au/buildwithnbn 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/design-build-install.html

REASONS FOR THE DECISION

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

The development permit granted allows for the development of 36 x 2 bedroom multiple dwellings in 6 x 3 storey buildings to be constructed in two stages. Subject to the receipt of amended drawings, all building setbacks will comply with the scheme requirements in the TC (Tourist Commercial) zone. Variations are granted for Clause 7.1.1 (Residential Density Limitations), Clause 6.5.1 (Parking Requirements), Clause 7.5 (Private Open Space) and Clause 7.8 (Building Design for Multiple Dwellings…) respectively.

With the exception of the above 3 variations, the development is compliant with all other provisions of the NT Planning Scheme.

2. A variation is granted to the Clause 7.1.1 (Residential Density Limitations) of the Northern Territory Planning Scheme as:

(a) The number and compact size of the units (floor area of approximately 67m²/unit) is compatible with reticulated services to the area, noting comments from local and service authorities under section 51 (m) of the Planning Act;

(b) The provision and proximity of existing community facilities including sporting (active and passive recreation), social and medical in the immediate area; and

(c) The proposed density (in the design configuration of 6 blocks of 6 units each to 3 storeys) does not impose any significant impediment on or implications for land capability of the site noting:

• that the site is level and allows for adequate stormwater drainage;
• habitable floor levels are raised a minimum of 300mm above defined
flood height; and
• while there are no declared heritage items on the site, the proponents have indicated a willingness to relocate two date palms on-site which have been identified as having some historical significance (as identified by two public submissions) in relation to the town’s early Afghan residents.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.1.1 of the Scheme.

3. A variation is granted to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow 10 car parking spaces to be in a ‘stacked or tandem’ (nose to tail) layout as:
• the tandem car spaces are at the end of the access driveway and ingress/egress will not interfere with normal traffic flows;
• the reduced car space widths due to encroaching columns comply with the relevant Australian Standard and as such, the proposal will achieve the objective of providing safe, convenient and functional car parking; and
• Each pair of tandem spaces is to be allocated to the same unit.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 6.5.3 of the Scheme.

4. A variation is granted to Clause 7.5 (Minimum Areas for Private Open Space) to allow each level 1 (ground floor) unit a smaller area of private open space as:
• While the level 1 units are deemed to be ground floor units they are required to be raised 622mm above actual ground level to comply with minimum flood levels above 1% AEP flood height;
• Each level 1 unit has a private deck area of 9.61m² (3.1m x 3.1m) at the same floor level as the unit, but with access to private open space yards ranging in size from 40.7m² to 72.6m²; and
• The extent and features of proposed communal open space areas are expected to adequately meet the activity needs of residents.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.5 of the Scheme.

5. A variation is granted to Clause 7.8 (Building Design of Multiple Dwellings, Hostels and Supporting Accommodation) to allow the current orientation of the multiple dwelling development as:
• Thermal assessments indicate that all units will exceed the minimum 3.5 stars for thermal properties required in the Northern Territory;
• During the winter months, most residents will be able to access winter sun in all communal open space areas; and
• Other measures including the use of building materials, varied façade
setbacks (to front and rear boundaries), positioning of air-conditioning units, separation of buildings for maximum breeze penetration and privacy louvres on balconies are expected to provide for a pleasant environment for occupants with no unreasonable effects on adjacent land.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.8 of the Scheme.

6. Pursuant to section 51(e) of the Planning Act, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the Planning Act and Planning Regulations:
   (a) Three submissions were received from the public which raised a number of concerns with the proposed development, primarily in relation to the scale and bulk of the development, overshadowing, car parking shortfall and loss of historical plants.
   (b) A local authority submission was received from the Alice Springs Town Council and service authority comments from the Power and Water Corporation;
   (c) The matters raised in the submissions have been:
      • Acknowledged and discussed in the reports considered by the Development Consent Authority at their meetings held on 15/02/2017 and 15/03/2017;
      • Have been addressed through submission of amended drawings and documentation by the applicant and the inclusion of appropriate conditions on the Development Permit; and
   (e) The Development Consent Authority has considered the verbal evidence and documents tabled from the applicant and representatives and the Alice Springs Town Council at both meetings associated with the application.

7. Pursuant to section 51 (m) of the Planning Act, the Development Consent Authority must, in considering a development application, 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.

In this regard:
   (a) the Alice Springs Town Council (ASTC) has advised of standard conditions relating to stormwater management, construction of kerb crossovers, sightlines to the street. Other points of concern were wheelie bin collection points, parking along service road, and the density of the development; and
   (b) the Power and Water Corporation (PAWC) has advised of standard PAWC condition is included on the permit with a view to ensuring there will be no impact on PAWCs assets. The applicant is also required to meet with PWC to discuss upgrading of services and connection to services, multi metering installation of reticulated sewerage and electricity to individual units.
ACTION: DAS to prepare a Notice of Determination for service on the applicant, submitters.

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

DENIS BURKE
Chairman

23 / 3 / 2017