



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 239 – WEDNESDAY 14 NOVEMBER 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Alistair Feehan,
Jamie de Brenni, Marli Banks

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:15 am and closed at 11:35am

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

ITEM 1 CONSTRUCT 4 x 2 BEDROOM MULTIPLE DWELLINGS IN 2 X 2 STOREY BUILDINGS
PA2018/0396 LOT 1714, 3 WILLSHIRE STREET, SUBURB OF THE GAP
APPLICANT MASTERPLAN NT

Joe Sheridan (Masterplan NT) and Paul Graham (Asbuild NT Pty Ltd) attended the meeting and spoke further to the application.

Mr Sheridan tabled amended/additional plans.

Dilip Nellikat on behalf of the Alice Springs Town Council attended and noted drainage considerations relating to the proposed carport roofing.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defers consideration of the application to develop Lot 1714 (3) Willshire Street, Suburb of The Gap, Town of Alice Springs for the purpose of 4 x 2 bedroom multiple dwellings in 2 x 2 storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:
0142/18

1. Drawings generally consistent with the plans submitted with the application as amended through plans Development Consent Authority meeting on 14 November 2018, but amended and/or supplemented to include:
 - a) A parking layout that is designed to be functional and allow safe and convenient vehicle access movements to and from each parking space and the property;
 - b) A site layout that, in addition to private open space areas, provides:
 - (i) communal open space that may be expected to be functional and meet the projected needs of residents, including consideration of outdoor play for children and responding positively to the purpose and performance criteria of clause 7.6 (Communal Open Space) of the NT Planning Scheme; and
 - (ii) convenient pedestrian movements between the parking area and dwellings.
 - c) Site plan, floor plan, elevations and cross-sections of the site clearly detailing the proposed development of the site, including:
 - (i) internal privacy fencing between dwellings to be a minimum of 1.6m above the level of the ground floor verandahs/balconies;
 - (ii) balustrading designed to partially screen first floor balconies from/to adjoining properties and dwellings on the lot (as relevant) and allow some air-circulation;
 - (iii) an increased southern eave overhang or balcony coving designed to better control stormwater falling from first floor balconies;
 - (iv) location of all proposed gutters and downpipes;
 - (v) clarifying materials, screen to gap ratio/details etc. for air-conditioner screening demonstrating that the screening from the adjoining lot and street may be expected to be effective;

- (vi) height of proposed boundary fencing in relation to proposed site levels with all fencing a minimum of 1.8m above the ground level (if existing fencing is to be retained, plans should identify the minimum fence height above proposed ground level).

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the Development Consent Authority (DCA) must take into account the planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the development of the subject site. The DCA:
 - a) concluded that documentation provided did not demonstrate the suitability of the proposal with respect to a number of performance criteria contained in Part 4 of the Planning Scheme, including elements of Clause 6.5.3 (Parking Layout), Clause 7.5 (Private Open Space), Clause 7.6 (Communal Open Space) and Clause 7.8 (Building Design for Multiple Dwellings, Hostels and Supporting Accommodation); and
 - b) considered it necessary to provide the applicant with the opportunity to review documentation and provide additional information to:
 - (i) allow proper assessment of the proposal against the *Planning Act* and the Planning Scheme; and
 - (ii) demonstrate its suitability in terms of the objectives and requirements of the Scheme.

Pursuant to sub-clause 3 of Clause 2.5 of the NT Planning Scheme, the Development Consent Authority may consent to the development of land that does not meet the standards set out in Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent. Deferral of the proposal will give the applicant opportunity to review and revise documentation and where relevant identify special circumstances that may justify any variations sought to the Planning Scheme.

2. The Development Consent Authority envisages granting consent to a proposal for multiple dwellings on the site subject to a suitably amended/refined design that:
 - a) satisfactorily responds the objectives and provisions of the Planning Scheme;
 - b) may be expected to ensure a good level of residential amenity for residents of the development, including with respect to open space provision;
 - c) provides a functional and conveniently accessible parking layout;
 - d) provides a good level of privacy for residents and neighbouring properties; and
 - e) is unlikely to unduly impact on the amenity of adjoining properties or the streetscape.

ACTION: Development Assessment Services to draft letter of deferral

ITEM 2 **3 X 2 BEDROOM MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDING**
PA2018/0395 **LOT 1434, 86 GAP ROAD, SUBURB OF THE GAP**
APPLICANT **MASTERPLAN NT**

Joe Sheridan (Masterplan NT) and Paul Graham (Asbuild NT Pty Ltd) attended the meeting and spoke further to the application.

Mr Sheridan tabled amended plans and covering letter in response to matters identified in the agenda report.

Corrine Phillips attended the meeting on behalf of submitters Cail & Krista Rayment and spoke further to their submissions.

Dilip Nellikat on behalf of the Alice Springs Town Council and noted drainage considerations relating to the proposed carport roofing.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent
0143/18 Authority defers consideration of the application to develop Lot 1434, 86 Gap
Road, Suburb of The Gap, Town of Alice Springs for the purpose of 3 x 2 bedroom
multiple dwellings in 2 x 1 storey buildings to require the applicant to provide the
following additional information that the Authority considers necessary in order to
enable the proper consideration of the application:

1. Drawings generally consistent with the plans submitted with the application, but amended and/or supplemented to include:
 - a) A car parking and driveway layout compliant with the minimum manoeuvring dimensions and driveway widths specified in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme. Consideration should also be given to a revised carport design (e.g. cantilevered) that maximises manoeuvrability into parking bays;
 - b) Improvements to the private open space arrangements for the dwellings such that the Authority can be satisfied that the objectives and criteria contained in sub-clauses 1 and 2 of Clause 7.5 (Private Open Space) of the NT Planning Scheme will be achieved; and
 - c) Site plan, floor plan, elevations and cross-sections of the site clearly detailing the proposed development of the site, including:
 - (i) Existing Australian Height Datum (AHD) levels of the site established by a suitably qualified person (normally a licensed land surveyor);
 - (ii) Proposed finished levels for the site in AHD (including finished levels for driveways and car parking areas, private open space areas and finished floor levels of dwellings);
 - (iii) Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights above "ground level" of the site as defined in the NT Planning Scheme;
 - (iv) Any steps or access ramps to the dwellings (that may be required on account of the finished floor levels needing to be 300mm above the 1% AEP level);
 - (v) Updated stormwater drainage details, accompanied by written support in principle from the Alice Springs Town Council;
 - (vi) Details of privacy screening designed/selected to minimise the potential for overlooking into dwellings and private open space areas on adjoining residential properties. Fencing should be a

minimum of height 1.8m above the finished floor levels of the dwellings on Lot 1434;

- (vii) Details of any proposed retaining walls for containment of fill
 - (viii) Proposed locations of water and electricity meters; and
 - (ix) Updated landscaping details with species suitable for the Alice Springs climate.
2. Documentation from a suitably qualified person demonstrating that the likely effect of filling part(s) of the site (as proposed through plans to be submitted in response to Point 1(b) above) on the behaviour of flood water in terms of potential impacts on other properties, including in, but not necessarily limited to, a 1% Annual Exceedance Probability flood event. A hydrological study and report are envisaged.

Documentation regarding likely flood impacts of the development are not required to be provided if the design is amended to achieve required floor level heights for the dwellings without fill, by constructing the dwellings on piers/columns that will allow flood waters to pass beneath the buildings.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the Development Consent Authority (DCA) must take into account the planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the development of the subject site. The required additional information is considered necessary in order for a proper assessment of the development to be undertaken, particularly how the proposal complies with the purpose and performance criteria requirements of:
- a) Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) – noting that the proposed carport does not comply with side setback requirements and this was not acknowledged in the application;
 - b) Clause 6.5.3 (Parking Layout) – with respect to manoeuvring dimensions and driveway widths;
 - c) Clause 6.14 (Land Subject to Flooding and Storm Surge); and
 - d) Clause 7.5 (Private Open Space) – sub-clause 1(b) and sub-clauses 4 and 5.

Pursuant to sub-clause 3 of Clause 2.5 of the NT Planning Scheme, the DCA may consent to the development of land that does not meet the standards set out in Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent. Deferral of the proposal will give the applicant opportunity to identify special circumstances to justify the variations sought to the NT Planning Scheme.

2. The application as submitted is not considered to provide sufficient information to enable a full and proper assessment against the matters contained in section 51 of the *Planning Act*.
3. The Development Consent Authority:
- a) Envisages granting consent to a proposal for multiple dwellings on the site subject to:
 - (i) A suitably amended/refined design that:
 - does not require fill; or

- is demonstrably (to the satisfaction of the consent authority) unlikely to unduly impact on other properties by modifying flood water behaviour in a 1% AEP defined flood event; and
- (ii) Relevant conditions on a permit; and
- b) Notes that its preference is for no fill; and (if fill is proposed), limiting fill to the footprints of the dwellings, thereby minimising the potential for modifying water behaviour in a 1% AEP defined flood event.

ACTION: Development Assessment Services to draft letter of deferral

ITEM 3 ESTABLISH COMMUNITY CENTRE WITHIN EXISTING SINGLE STOREY BUILDING
PA2018/0393 LOT 5134, 28 GREGORY TERRACE, TOWN OF ALICE SPRINGS
APPLICANT CHILDREN'S GROUND LIMITED

The applicant did not attend the meeting.

Dilip Nellikat on behalf of the Alice Springs Town Council attended and spoke to Alice Springs Town Council concerns.

RESOLVED 0144/18 That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 5134, 28 Gregory Terrace, Town of Alice Springs for the purpose of establishing a community centre within an existing single storey building, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works or occupation of the building, 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 clearly show/detail the location, height and type of any proposed fencing to be constructed at the rear of the site such that full pedestrian access along the existing pathway between the building and the Alice Springs Town Council offices is retained.

Amended plans and documentation prepared in response to the condition precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, c/o Alice Springs Branch via email to das.ntg@nt.gov.au.

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. The design and location of any proposed boundary fencing is to be to the technical requirements of the Alice Springs Town Council to the satisfaction

- of the consent authority and all approved works constructed at the owner's expense.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage and electricity 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
 7. Before the 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.
 8. 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.
 9. Occupation of the building is not to be undertaken until approved by the consent authority (section 65 of the Planning Act enables a person to apply for a Certificate of Compliance in relation to a permit).

NOTES:

1. This development permit does not grant "building approval" for the proposed structures and associated land use and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. Notwithstanding the approved plans, any proposed works (including landscaping) within the road reserves and Lot 5134 is subject to approval and shall meet all requirements of the Alice Springs Town Council, and at no cost to the Alice Springs Town Council.
3. 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.
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

5. Fire prevention and emergency management measures are to be implemented in accordance with the requirements of the Fire and Emergency Regulations.
6. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
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. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

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

The establishment of a community centre within the existing building on the site is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme, being to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities. With the exception of Clauses 6.5.1 (Parking Requirements) and 6.5.3 (Parking Layout) of the NT Planning Scheme the development has been assessed as being compliant with all other provisions of the Scheme.

2. Having considered the matters contained in Clause 6.5.2 (Reduction in Parking Requirements), a variation to the parking requirements (waiver of 9 spaces) specified in Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported for the following reasons:
 - a) Historically the building has been functional without any on-site car parking (as noted in the reasons for decision attached to Development Permit DP97/0016);
 - b) No new net floor area is proposed;
 - c) Children's Ground (CG) provides services to the aboriginal community and the library and grounds surrounding the Council offices are a major meeting place for aboriginal people who would also access the services provided by CG;
 - d) The use could be viewed as similar to that of the previous tourist information centre in that:

- (i) A sizeable proportion (112.5m²) is for use as reception and information/activity purposes;
 - (ii) The net floor area to be used for office/administration is the same as that used by the tourist office;
 - e) Public car parking spaces are available within Gregory Terrace (on-street) and the Leichardt Terrace (Todd River) off-street public car park;
 - f) Public bus services are available to the area (terminus for multiple routes in the CBD);
 - g) A taxi rank is located in the Gregory Terrace road reserve immediately in front of the building;
 - h) A pickup/drop off mini-bus service is provided for staff; and
 - i) It is anticipated a number of staff will ride (bicycles) to work, with secure bike storage to be provided on site.
3. Pursuant to section 51(j) of the *Planning Act*, the consent authority must take into consideration 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 existing building on the site is currently unoccupied and is considered to be suitable for the proposed development and use with minor internal works to be carried out. The proposed fencing at the rear of the site is to be constructed so as to continue to allow public access along the existing pathway between the Alice Springs Town Council offices and the subject building.

4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The development is in keeping with the style and scale of development in the Central Business (CB) zone, and with the establishment and maintenance of additional landscaping, the impact on the amenity of the area is anticipated to be minimal.
5. Pursuant to section 51(r) of the *Planning Act*, in considering a development application, the consent authority is required to take into account any potential impact on any potential impact on social and cultural values. The subject site is on the Alice Springs Town Council civic centre precinct, and historically, the Council lawns have been a place of gathering for indigenous people. From a cultural perspective, the proposed Community Centre is in a prime location in terms of accessibility for indigenous children.
6. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

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

**ITEM 4 COVERED PEDESTRIAN ACCESS RAMP AND CHANGES TO PARKING
LAYOUT FOR EXISTING POLICE WATCH HOUSE
PA2018/0380 LOT 9390, 6 PARSONS STREET, TOWN OF ALICE SPRINGS
APPLICANT SUSAN DUGDALE & ASSOCIATES**

Susan Dugdale attended the meeting in support of the application.

Dilip Nellikat on behalf of the Alice Springs Town Council attended and spoke to Alice Springs Town Council concerns.

**RESOLVED
0145/18**

That, the Development Consent Authority determines that a maximum of 10 parking spaces is required to service the existing police watch house (an unlisted use in terms of the NT Planning Scheme) and pursuant to section 53(a) of the *Planning Act*, consents to the proposed development of Lot 9390 (6) Parsons Street, Town of Alice Springs for the purpose of a covered pedestrian access ramp (connecting the site to the court house on adjoining Lot 8057) and alterations to the parking layout, subject to following conditions, for the following reasons:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Before the use/occupation of the approved development starts, changes to the line-marking from the previously approved parking layout must be completed 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.

NOTES:

1. This development permit does not grant "building approval" for the proposed structures and associated land use and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. 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. 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.
4. 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.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Scheme). The development is assessed as compliant with the Planning Scheme and will improve compliance with current access and safety standards and legislation. The consent authority notes that the assessment of parking being compliant with the Scheme recognises that the use of the two storey former police station building on Lot 9390 as a police station has been abandoned in terms of the *Planning Act* and that the future redevelopment and/or use of that building will be subject to further assessment against the Scheme.
2. Pursuant to section 51(e) of the *Planning Act*, 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. No public or local authority submissions were received.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The application identifies that the proposal provides compliant access for persons with a disability and an approved means of egress for fire escape. The proposed development is part of an upgrade to facilities that support the community and will result in improved compliance with building and 'Disability' legislation.
4. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed shade canopy is not expected to be readily visible from any public place or to have any discernible impact on the amenity of the locality. No adverse impact on the amenity of the site, any street or the locality is envisaged.
5. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration 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. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.

6. Pursuant to section 51(r) of the *Planning Act* 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*. Adjoining Lot 8056 is the site of the Stuart Town Gaol (1909 – 1938) which is a Declared Heritage Place owned by the National Trust of Australia. It is not envisaged that the proposed roof will be readily visible from the front of Lot 8056 or discernibly impact on heritage values of that lot.

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

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

SUZANNE PHILIP
Chair

19 November 2018