



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

10 May 2023

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Allison Bitar, Marion Guppy (via video link)

APOLOGIES: Deepika Mathur, Matt Paterson

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Chay Garde, Benjamin Taylor, Kieran Marsh, Kimberley Muller

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10:30am and closed at 12:20pm

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

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

The Chair, Development Consent Authority, under section 93(1) of the *Planning Act 1999*, appointed Marion Guppy who is a member in relation to the Darwin Division, to act as a member for Deepika Mathur in relation to the Alice Springs Division from 28 April 2023 to 24 May 2023 as Deepika Mathur is prevented from performing her duties of office because of absence.

ITEM 1 **DWELLING GROUP (2 X 2) BEDROOM AND 1 X 3 BEDROOM IN 2 X SINGLE**
PA2023/0014 **STOREY BUILDINGS WITHIN LAND SUBJECT TO FLOODING.**
LOT 1400, (2) ACHILPA STREET SUBURB OF THE GAP, TOWN OF ALICE
SPRINGS
APPLICANT **MR CAMERON GLOVER**

Mr Cameron Glover and Mr Daniel Glover (land owners / applicants) attended.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 3.6
8/23 (Land Subject to Flooding), Clause 5.2.4.4 (Layout of Car Parking Spaces), Clause
5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), Clause
5.4.6 Private Open Space and Clause 5.4.17 Building Articulation of the Northern
Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning*
Act 1999, alter the proposed development and consent to the proposed
development as altered to develop Lot 1400, (2) Achilpa Street Suburb of The
Gap, Town of Alice Springs for the purpose of 2 x 2 bedroom and 1 x 3 bedroom
dwellings-group in 2 x 1 storey buildings within land subject to flooding, subject
to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the updated drawings (dated 21/04/2023) included with the application material that formed part of Bookmark B of the agenda report for the 10/05/2023 DCA meeting, but modified to show/demonstrate:
 - (a) privacy fencing/screening (ie: solid metal fencing) to private open space boundaries of Lot 1401 and Lot 7908 upgraded to a height of no less than 1.5m above the finished floor levels of the proposed dwellings on Lot 1400
 - (b) private open space boundaries to each unit within Lot 1400 fenced in accordance with the requirements of sub-clause 3(a) of Clause 5.4.6.1 of the NT Planning Scheme 2020;
 - (c) updated site plan showing 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);
 - (d) Sufficient cross-sections and longitudinal sections to show the extent of fill and the relationship between structures and their respective heights

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

- above “ground level” of the site as defined in the NT Planning Scheme 2020;
- (e) Any steps or access ramps to the dwellings and private open space (that may be required on account of the finished floor levels needing to be 300mm above the 1% AEP level);
 - (f) Details of the retaining walls (to the boundaries of Lot 1400) for containment of fill which will include:
 - (i) a letter / written assessment prepared by a suitably qualified person (eg: registered building certifier or engineer) that confirms:
 - retaining walls for the containment of the fill (on Lot 1400) and other new fencing on the site will be included in the building approval/s and associated Occupancy Certification (*Building Act 1993*); and
 - the retaining walls have been designed to comply with the relevant National Construction Code and/or Australian Standard requirements (noting the requirements of section 39(b) of the *Building Regulations 1993*); and
 - (ii) the updated drawings (referred to in parts (a) to (e(i)) of Condition 1 of this permit showing the retaining walls and fill

Amended plans and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- 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. 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) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council (Achilpa Street) and Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics (Telegraph Terrace), to the satisfaction of the consent authority.
5. No access (including temporary access for construction purposes) shall be permitted from Telegraph Terrace road reserve. Construction and delivery

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

vehicles shall not be parked on that road reserve. This condition is to the satisfaction of the consent authority on advice from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.

6. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council (Achilpa Street) and Department of Infrastructure, Planning and Logistics (Telegraph Terrace), to the satisfaction of the consent authority.
7. 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.
8. 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.
9. 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, in accordance with the requirements of Alice Springs Town Council (Achilpa Street) and Department of Infrastructure, Planning and Logistics (Telegraph Terrace), to the satisfaction of the consent authority.
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. 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.
13. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 3, 4 and 5 for further information.
14. 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 unit number labels have

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

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

15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained.”
16. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
17. The finished floor levels of “habitable rooms” of all dwellings must be no lower than 571.4 metres Australian Height Datum (AHD). 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.

NOTES:

1. This development permit is not a *Building Act 1993* approval to undertake building work or operate a use. You are advised to contact a Northern Territory registered building certifier to seek a building permit and occupancy certification as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works and occupancy of the site/use.
2. 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).
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

5. 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>
6. A “Permit to Work Within a Road Reserve” may be required from the Alice Springs Town Council and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserve.
7. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
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. The Department of Environment, Parks and Water Security 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.
10. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
11. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 89994446.
12. 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

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

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: <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

13. 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(1)(a) of the *Planning Act 1999*, 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 NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned LMR (Low-Medium Density Residential) and also subject to the Overlay listed in Clause 3.6 (LSF – Land Subject to Flooding).

The proposed development and use requires consent under Clause 1.8 (When development consent is required). “Dwelling-Group” (3+) is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8 of the NTPS2020.

Sub-clause 1 of Clause 3.6 specifies that land subject to the LSF Overlay is to be used or developed only with consent. Sub-clause 4(b) of Clause 3.1 specifies that - where an Overlay requires consent, if shown as Merit Assessable on the relevant assessment table in “Part 4” it is *Impact Assessable*.

Each of the proposed ‘dwellings-group’ are intended to be used as a separate ‘dwelling-community residence’. Sub-clause 4(a) of Clause 3.1 specifies that - where an Overlay requires consent, if shown as Permitted on the relevant assessment table in “Part 4” it is *Merit Assessable*.

Therefore, pursuant to sub-clause 4 of Clause 1.10, the Development Consent Authority, in considering the application, must take into account all of the following:

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

- any relevant requirements, including the purpose of the requirements, as set out in Part 5
- any Overlays and associated requirements in Part 3 that apply to the land;
- the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- any component of the Strategic Framework relevant to the land as set out in Part 2

No Area Plan(s) apply to the land or locality. The proposed development and use is consistent with the Alice Springs Regional Land Use Plan 2016 and NT Compact Urban Growth Policy.

The zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential) of the NTPS2020, and requirements listed in:

- Clause 3.6 (LSF – Land Subject to Flooding)
- Clause 5.2.1 (General Height Control);
- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- Clause 5.4.1 (Residential Density)
- Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
- Clause 5.4.3.2 (Distance Between Residential Buildings on One Site)
- Clause 5.4.6.1 (Private Open Space for Dwellings- Single, Dwellings-Independent and Dwellings-Group)
- Clause 5.4.8.1 (Building Design for Dwelling-Group, Rooming Accommodation and Residential Care Facility)
- Clause 5.4.14 (Dwelling-Community Residence)
- Clause 5.4.17 (Building Articulation)

are all relevant to the subject site and proposed development and use.

These clauses have been considered and it is found that the proposal (shown on the 21/04/2023 drawings) complies with the relevant requirements of the NT Planning Scheme 2020 except for:

- Clause 3.6 (LSF – Land Subject to Flooding)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
- Clause 5.4.6.1 (Private Open Space for Dwellings- Single, Dwellings-Independent and Dwellings-Group)
- Clause 5.4.17 (Building Articulation)

2. Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020, *the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*

- (a) *The purpose and administration clauses of the requirement; and*
- (b) *The considerations listed under Clause 1.10(3) or 1.10(4).*

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

(i) Clause 3.6 (LSF – Land Subject to Flooding)

The purpose of Clause 3.6 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 subject site is liable to inundation in a 1% AEP Defined Flood Event (riverine flooding).

The proposal has been found not to be in accordance with sub-clause 6(c) of Clause 3.6 (Land Subject to Flooding) because the proposal will result in the use of fill to achieve the required finished floor levels (finished floor levels will need to be at least 0.9m above “ground level”). The Authority also noted verbal evidence provided by the applicant at the 10/05/2023 DCA meeting that it is the developers’ intention to “fill” all areas of the site excluding the driveway and car parking area.

Sub-clause 5 of Clause 3.6 provides that - *the consent authority may consent to a use or development that is not in accordance with sub-clause 6 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.* The Development Application (as publicly exhibited) had not addressed / discussed this requirement.

Notwithstanding, the consent authority considered a variation to sub-clause 6(c) in this instance is considered appropriate as the:

- amended drawings and associated documents will:
 - require boundary fencing to be upgraded such that it provides better screening to/from adjacent residential properties (noting that the finished floor levels of the new dwellings will be ~0.9m higher than the current site level).
 - confirm that retaining walls will be used and appropriately designed and certified such that fill will be retained on Lot 1400 and risk to people and property including adjoining property will be mitigated
- proposal results in the use of fill to facilitate better disability compliant access to each dwelling, compared to other forms of elevation (e.g. stairs). The application indicates that the proposed dwellings will be used for NDIS accommodation, where accessibility to and within dwellings for persons with mobility impairments etc are a critical design element.

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

- Alice Springs Town Council requires that standard stormwater drainage conditions be included on any permit issued.
- The proposed single storey building design and use of fill is consistent with other nearby single storey infill developments approved by the DCA including:
 - Lot 1398, 3 Achilpa Street
 - Lot 301, 97 Gap Road
 - Lot 1434, 86 Gap Road
 - Lot 7597, 2 Gnoilya Street

(ii) Clause 5.2.4.4 (Layout of Car Parking Areas)

Sub-clause 6 of Clause 5.2.4.4 specifies that – *a car parking area is to:*

- (a) *be not less than 3m from any lot boundary abutting a road; and*
- (b) *provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.*

The setback and associated landscaping width of the car parking area will be 2.025m from the Achilpa Street boundary.

Administratively, sub-clause 3 of Clause 5.2.4.4 provides that – *the consent authority may consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.*

A variation to sub-clause 6 is granted as a 1.8m high open slat fence metal fence and some planting will assist in partially screening the car parking area from public view, whilst maintaining passive surveillance and the proposed landscaping and fencing arrangements will be consistent with the streetscape.

Sub-clause 9(a) of Clause 5.2.4.4 specifies that – *.....access points to car parking areas are to:*

- (a) *have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one-way traffic flow.*

The driveway access to the car parking area from the Achilpa Street boundary will be 3.5m (instead of 6m). The parking area contains 6 x car parking spaces which will be shared between the 3 dwellings. Technically, the car parking area is for two way traffic flow.

Administratively, sub-clause 5 of Clause 5.2.4.4 provides that – *the consent authority may consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-*

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

A variation to sub-clause 9(a) is granted as:

- the application was referred to the Alice Springs Town Council (controlling agency for Achilpa Street road reserve) and no objections in principle were identified with regards to the position and associated width of the driveway access. Standard conditions relating to vehicle crossovers and sightlines are included on the permit to protect Councils interests.
- the verge of Achilpa Street is approximately 5.5m wide and will allow safe passage of vehicles to/from the site to the bitumen carriageway
- It is anticipated that persons utilising the car parking area will be familiar with the layout and manoeuvring arrangements for car parking spaces. The car parking area contains disability compliant car parking spaces and sufficient manoeuvring dimensions within the internal driveway;
- Any visitors or larger (delivery) vehicles are likely to park off site (eg: within the road).

(iii) Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The application requests a variation to the requirements of sub-clause 6 of Clause 5.4.3 to allow an outbuilding (freestanding carport near Unit 3) to have building setbacks (support columns and roof eaves) of 1m from the side (Lot 1401 / east) boundary instead of the minimum 1.5m (support columns).

Sub-clause 3 of Clause 5.4.3 provides that - *the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The purpose of Clause 5.4.3 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.

A variation is granted in this instance as the development (as approved):

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

- complies with all other required setbacks for residential buildings and ancillary structures with only minimal variation being sought for the support columns of one carport towards the side boundary.
- the development is compatible with the streetscape as the building orientation does not create a problematic interface with adjoining properties.
- Includes solid metal boundary fencing to provide screening to Lot 1401
- the carport is an open sided structure that helps ease the impact of building massing when viewed from adjoining land and the street;
- the scale and size of development provides for landscaping along all boundaries with private open space shown between unit 2 and 3. The ancillary structures are all opened which facilitates breeze penetration.

(iv) Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group)

The updated (21/04/2023) drawings provided within the application material comply with area (length, width, m², “open to the sky”) requirements for each dwelling. All three dwellings are provided with covered patios that extend directly from living areas, and dimensions shown on drawings for deep soil planting.

However, with regards to requirements for dwellings-group to sub-clause 3, the private open space for each dwelling should be;

- (a) *screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas’ or*
- (b) *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.*

- The application documentation (amended drawings dated 21/04/2023) does not provide fencing for the purpose of a full “visual barrier” to adjoining dwellings with no fencing separating Unit 1 and Unit 2 or Unit 2 and Unit 3.
- The fencing to the boundaries of Lot 7908 and Lot 1401 does not appear to have taken into consideration potential overlooking (from private open space areas on Lot 1400) which will result from filling of part/s of the site above the 1% AEP flood level (ie: overlooking from raised patio areas etc)

Sub-clause 2 requires the siting of private open space to:

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

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.

- The chosen design does not appear to provide views towards the MacDonnell Ranges, with areas allocated for POS orientated away from potential views towards the western ranges.
- The fencing to the boundaries of Lot 7908 and Lot 1401 does not appear to have taken into consideration potential overlooking (from private open space areas on Lot 1400) which will result from filling of part/s of the site above the 1% AEP flood level (ie: overlooking from raised patio areas etc)

Sub-clause 1 of Clause 5.4.6.1 provides that - *the consent authority may consent to private open space 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 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.*

The purpose of Clause 5.4.6.1 is to - *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.*

The Condition Precedent requires that:

- boundary fencing to Lot 1401 and Lot 7908 be raised to at least 1.5m high (solid metal) above the finished ground level of the new dwellings (to mitigate against potential overlooking to those lots)
- Boundaries private open space between each dwelling on Lot 1400 comply with the requirements of sub-clause 3(a) eg: solid metal fencing @1.8m high

A variation to the other aspects of sub-clause 3 of Clause 5.4.6.1 are considered supportable in this instance because:

- the development is for dwellings intended to be used as NDIS accommodation (rather than individual unit owners)
- a building designer has designed the development and consideration has been given regarding needs and demographics of intended occupants, privacy, building orientation, functionality and future maintenance
- any future application to subdivide (unit title) the dwellings will need to be assessed against the NTPS2020 criteria

which requires the development to be upgraded to current NTPS2020 standards.

(v) Clause 5.4.17 (Building Articulation)

The application shows the building comprising unit 1 and 2 longer than 15m (~26.5m scaled off drawings). As a result, *a step or recess to the building line of no less than 1 metre by 1 metre is required for every 15m of building length or part thereof.* The submitted design does not provide this required dimension specified in sub-clause 4.

Sub-clause 2 of Clause 5.4.17 provides that - *the consent authority may consent to a development that is not in accordance with sub-clause 4 only if it is satisfied it is consistent with the purpose of this clause.*

The purpose of Clause 5.4.17 is to - *ensure that residential buildings mitigate the perception of building mass and bulking when viewed from adjoining properties and the street, and provide opportunities for cross-ventilation within building design.*

A variation to clause 5.4.17 is granted in this instance because the 26.5m long building does provide some notable changes in the building recess:

- A recess in the building footprint is provided towards the Achilpa Street boundary
- A recess towards the Telegraph Terrace boundary is shown (around 600mm)
- Cross ventilation may not be supported considering the building part of the proposal extends from the rear of the block along the secondary boundary, however the articulation is linear with Telegraph Terrace with no dwellings located on the opposite side of that road.

The variation is also supported noting:

- The development application was lodged on 27 January 2023, it is noted that Amendment 67 to the NTPS2020 (Planning Reform Phase 2, Stage 1) came into effect on 17 February 2023. Clause 5.4.17 was introduced into the NTPS2020 as part of that amendment.
- Although the building does not provide a 1m x 1m recess in the building length, it does provide landscaping along the boundary and slight changes in the design of the structure which eases the perception of building massing.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

the land and on other land, the physical characteristics of which may be affected by the development.

The physical characteristics of the land are considered suitable for the proposed development and use. Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate design and retention of retaining walls and fill on the site, management of dust and noise during construction. Conditions of approval will address Alice Springs Town Council and DIPL Transport and Civil Services division requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

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

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site; and
- The NTPS2020 objectives and development performance criteria relating to access, works within road reserves and the provision of services/infrastructure will be complied with.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to the development complying with the permit conditions and advisory notes, the development and use (as approved) is expected to provide a good level of amenity to the future occupants of the dwellings without intrusion into the acoustic and visual amenity of adjacent and nearby land.

5. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The assessment of the application did not identify any declared natural, cultural or heritage values relevant to the subject site.
6. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.

Alice Springs DCA Meeting No 278 – Wednesday 10 May 2023

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

12 May 2023