



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 243 – WEDNESDAY 8 MAY 2019**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Deepika Mathur, Marli Banks,  
Jimmy Cocking

**APOLOGIES:** Chris Neck, Jamie de Brenni

**OFFICERS PRESENT:** Peter Somerville, Benjamin Taylor, Jennie Ryan

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 9:50 am and closed at 10:10 am**

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

**ITEM 1 RECONSIDERATION OF A DEFERRED APPLICATION – 4 X 2 BEDROOM  
MULTIPLE DWELLINGS IN TWO SINGLE STOREY BUILDINGS  
PA2018/0458 LOT 1365, 11 BALLINGALL STREET, SUBURB OF THE GAP  
APPLICANT ZONE A PTY LTD – STUART CHALMERS**

Stuart Chalmers attended the meeting and spoke further to the application and indicated that the existing fence would be replaced in its entirety and that an increased fence height would be possible.

Submitters Colin Weston and Elna Dry attended the meeting and spoke further to their submission and also sought an assurance that any fencing works be completed with 21 days.

The Authority noted the applicant's acknowledgement of the privacy concerns raised by the submitters but did not believe that a permit condition on the timeframe for replacement of the fence was appropriate.

**RESOLVED** That, the Development Consent Authority vary the requirements of Clause 6.5.3  
**0044/19** (Parking Layout), Clause 7.3 (Building Setbacks for Residential Buildings and Ancillary Structures), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme, 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 1365, 11 Ballingall Street, Suburb of The Gap, Town of Alice Springs for the purpose of 3 x 3 bedroom multiple dwellings in 2 x 1 storey buildings, subject to the following conditions:

**CONDITION PRECEDENT**

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

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

## **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council the Department of Infrastructure, Planning and Logistics. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
7. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall;
  - a) remove any disused vehicle and/or pedestrian crossovers; and
  - b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council, to the satisfaction of the consent authority.
8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, on advice from on advice from the Council.
9. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. Occupancy Certification (under the *Building Act 1993*) will not be able to be granted until such time as addressing is obtained.
10. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both

11. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscaping plan must be carried out and completed, in accordance with the endorsed plans, to the satisfaction of the consent authority.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) line marked or otherwise suitably delineated to indicate each car parking space;
  - (d) surfaced with an all-weather-seal coat; and
  - (e) drained;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Before a Certificate of Compliance (section 65 of the *Planning Act 1999*) can be issued and pursuant to section 34 of the *Land Title Act 2000*, a Caution Notice shall be lodged with the Registrar General on the land title to include the following advice. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP (Annual Exceedance Probability) Defined Flood Event". Evidence of lodgement on the land title shall be provided to the satisfaction of the consent authority.
16. The finished ground floor levels of habitable rooms of both ground floor dwellings must be no lower than 572.9 metres Australian Height Datum. The developer shall demonstrate compliance with this condition by providing "as constructed" finished levels of each dwelling, confirmed by a Licensed Surveyor. This condition is to the satisfaction of the Development Consent Authority.
17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structures and use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building

Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

2. Prior to applying for building approval and works commencing, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.
3. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves (Ballingall Street and rear laneway).
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopmentsouth@powerwater.com.au](mailto:waterdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955355 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
7. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
10. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications

infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

## REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposal is consistent with the:
  - Planning Principles relevant residential development set out in Clause 4.1 and Clause 4.3 of the NT Planning Scheme;
  - Strategic guidance for residential development set out in the Alice Springs Regional Land Use Plan (a policy document listed in Clause 2.7 of the NT Planning Scheme); and
  - Primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the single storey design and building setbacks of the development are considered compatible with the streetscape and other developments in the locality.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for a part of a driveway (designed for two way traffic) to be pinched to ~5m wide is considered satisfactory in this instance as the proposed site responsive design is considered to be functional, maintains sight lines and is appropriate for the minimal vehicular movements of a low density multiple dwelling development in accordance with the intent of the clause.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme to allow the support columns of the Unit 1 carport to be setback ~4.3m from the boundary to Ballingall Street (primary street) instead of the required 4.5m is granted as:
  - The carport is an open structure, thereby minimising any potential building massing when viewed from the street;
  - The front boundary fencing and landscaping once mature, may partially screen the development from the street and adjacent sites;
  - The reduced front building setbacks enables:
    - All car parking spaces and associated manoeuvring areas to comply with the minimum NT Planning Scheme dimensions and greater pedestrian circulation space around car parking bays;
    - a greater setback distance from the rear boundary of the site to minimise any building massing or potential undue overlooking to dwellings on neighbouring sites..
4. The Development Consent Authority grants a variation to sub-clause 2 of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m) of the NT Planning Scheme to allow for a single storey building with a reduced secondary street boundary as the:
  - The design of Unit 3 allows for a recess (outdoor patios) to break up the overall building bulk;
  - The building is single storey with a relatively low roof profile; and
  - The external wall material comprises multiple colours and textures to assist visual relief for adjoining residents.

- There will be no overlooking or visual bulk impacts to the adjacent properties;
  - The building on Lot 1352 (on the east side of the laneway) has a zero building setback to the laneway;
  - Solid boundary fencing may assist in breaking up the visual bulk of the building to any persons utilising the laneway (secondary street);
- these combined factors are considered to be a suitable response to sub-clause 5 of Clause 7.3.1.
5. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was advertised in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*:
- (a) 1 public submission was received. The submission (from abutting land owners of Lot 1366) expressed concerns relating to privacy, fence heights, dwelling density and private open space.
- (b) No local authority submissions were received
- (c) The matters raised in the submission and verbal evidence have been:
- Acknowledged and discussed in the reports considered by the Development Consent Authority at their meetings held on 12/12/2018 and 08/05/2019;
  - The amended plans provided by the applicant responding to the deferral, in conjunction with the conditions of approval (requiring replacement of boundary fencing to 2.4m high) are expected to ensure a satisfactory level of privacy and amenity for future occupants of the new dwellings as well as residents of neighbouring lots; and
  - Acknowledged by the applicant at the hearing on 8 May 2019 that boundary fence would be replaced in its entirety, but that works could not be guaranteed to be completed within 21 days, notwithstanding that efforts would be made to do so.
6. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The physical characteristics of the land are considered suitable for the proposed development of multiple dwellings. Filling of the site will be limited to building pads / foundations of the dwellings. The site and floor layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use.
7. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and works are not to encroach into easements. The conditions of approval are intended to ensure service authority interests are duly recognised.

8. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The development (as approved) is considered to be appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, private open space areas are expected to fulfil the objectives of the scheme. The authority notes the applicant's undertaking to replace the northern boundary fence (to 2.4m above ground level for the length of the site boundary) to address amenity concerns identified in the public submission with respect to visual and acoustic privacy
9. Pursuant to section 51(p) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the public interest. The site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring that future owners / occupants of the multiple dwellings are aware of the flood liability and associated potential hazards and inconveniences.

**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  
13 MAY 2019