



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 182 – WEDNESDAY 14 MAY 2014

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

MEMBERS PRESENT: Peter McQueen, David Koch, Brendan Heenan, Steve Brown

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack, Jenna Lovett and Kirra Morgan

COUNCIL REPRESENTATIVE: Dilip Nellikat and Greg Buxton

Meeting opened at 9.30 am and closed at 10.30 am

ITEM 1 **DEVELOPMENT – SUBDIVISION TO CREATE TWO LOTS**
PA2014/0264 **LOT 1410, 2 ECHUNPA STREET, SUBURB OF THE GAP, TOWN OF ALICE**
APPLICANT **SPRINGS**
 NATHAN FOOTE

Mr Nathan Foote attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority, pursuant to section 53(a) of the *Planning*
0042/14 *Act*, consent to the application to develop Lot 1410, 2 Echunpa Street, Suburb of The
Gap, Town of Alice Springs for the purpose of a subdivision to create two lots, subject
to the following conditions:

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 on the plan of subdivision submitted for approval by the Surveyor General.
3. 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 facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for the affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of the Department of Transport (Telegraph Terrace) and Alice Springs Town Council (Echunpa Street and laneway) to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
5. Before the issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel (Lot 1410) to include the following advice on the proposed lots indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement/registration on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. A "Permit to Work Within a Road Reserve" may be required from the Department

of Transport and the Alice Springs Town Council before commencement of any work within the road reserves.

2. 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.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the subdivision are available from Department of Land Resource Management.
4. 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.
5. The Environment Protection Authority of the Department of Lands, Planning and The Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.
 - The proposed subdivision is consistent with the purpose of Zone MD (Multiple Dwelling Residential) which is to 'provide for a range of housing options'. Furthermore, the lot sizes and subdivision layout is considered to compliant with the objectives and performance criteria contained in Part 5 of the NT Planning Scheme relevant to subdivision of land zoned MD.
 - The Planning Principles for Alice Springs contained in Clause 4.3(a) of the NT Planning Scheme promotes "orderly development catering for a growing population maximising options for urban infill adjacent to the town centre and other identified neighbourhood centres and community facilities".
2. 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 to be provided to the developer for that purpose.

- The Power and Water Corporation has identified that reticulated electricity, water and sewer services are available to the site. Conditions attached to the Development Permit will duly recognise the interests of service authorities in terms of connection of reticulated services to each lot and other servicing requirements.
 - The Alice Springs Town Council has advised that the kerb crossover(s) to the site from the Echunpa Street road reserve require approval and will be subject to Councils standards. The conditions of approval reflect these requirements.
3. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the consent authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The requirement for a Caution Notice to be registered on the title of each lot is considered necessary to appropriately ensure that prospective land owners are aware of the flood liability of the land and associated potential hazards and inconveniences. The design of any new dwelling/s on each lot will need to address the performance criteria of Clause 6.14 of the NT Planning Scheme.
 4. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and *Planning Regulations*, no adverse public or service authority submissions were received.

ACTION: Notice of Consent and Development Permit

ITEM 2 **DEVELOPMENT – DEPENDANT UNIT, CARPORT AND SHED ADDITIONS AND ALTERATIONS TO AN EXISTING TWO STOREY SINGLE DWELLING WITH REDUCED SIDE SETBACKS**
PA2014/0284 **LOT 6866, 9 ZEIL STREET, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS**
APPLICANT **STEVEN ADLER**

Anthony Hay and Steve Adler attended the meeting in support of the application. Mr Coen De Decker attended as a submitter.

RESOLVED That, the Development Consent Authority varies the requirements of clause 7.10.4.2(a) (Dependant Units) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 6866 (9) Zeil Street, Suburb of Araluen, Town of Alice Springs, for the purpose of additions and alterations, including a dependant unit, to an existing single dwelling, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

3. Any development on or adjacent to any easements on site must be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.
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, to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" 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 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 Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. 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.
4. 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 FOR THE DECISION

1. The development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme (the Planning Scheme).
2. A variation to Clause 7.10.4.2(a)(Floor Area for Dependant Units) of the NT Planning Scheme is supported, as the proposed development and use of the dependant unit as set out in the application is not expected to result in any significant impact on the amenity of adjoining or nearby property in terms of noise, privacy or visual impacts.
3. Pursuant to section 51(b) of the *Planning Act*, the consent authority must, in considering a development application, take into account any proposed

amendments to the NT Planning Scheme. Proposed Planning Scheme Amendment PA2013/0345 has been publicly exhibited and proposes changes to clause 7.10.4 (Dependant Unit) of the Planning Scheme. The consent authority notes that the proposed amendment, while replacing 'dependant unit' with 'independent unit', includes similar provisions to those under clause 7.10.4, the most notable difference being that an independent unit could be occupied by persons not dependant on a resident/s of the single dwelling. With the exception of floor area, the development application has been assessed as being compliant with the other objectives and performance criteria contained in PA2013/0345 and services authority have not identified any concerns in terms of vehicle access and power, water and sewerage services.

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 dependant unit is not expected to have any significant impact on the amenity of the area in which the land is situated.
5. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and referred to the Alice Springs Town Council. One public submission was received and has been duly considered.
6. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site.

ACTION:

Notice of Consent and Development Permit

ITEM 3 **DEVELOPMENT – HOME OCCUPATION (FOOD PREPARATION) – VARIATION TO MAXIMUM FLOOR AREA AND CONSENT FOR ONE NON-RESIDENT EMPLOYEE**
PA2014/0262 **LOT 7778, 3 BUCK ROAD, SUBURB OF ILPARPA, TOWN OF ALICE SPRINGS**
APPLICANT **PHUONGANH DINH (ANNE)**

Ben Passmore and Alan Passmore attended the meeting in support of the application.

RESOLVED
0044/14

That, the Development Consent Authority varies the requirements of clause 7.10.7.2(a) and clause 7.10.7.2(b) (Home Occupations) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 7778 (3) Buck Road, Suburb of Ilparpa, Town of Alice Springs, for the purpose of a home occupation (food preparation), subject to the following conditions:

CONDITIONS

1. The home occupation use shall be limited to the kitchen and storage area identified in the drawing/s endorsed by the consent authority as forming part of this permit.
2. The home occupation (food preparation) is to be operated by residents of the dwelling at Lot 7778 (3) Buck Road, Town of Alice Springs and no more than one

person who is not a resident of the dwelling.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Any development on or adjacent to any easements on site must be carried out to the requirements of the relevant service authority, to the satisfaction of the consent authority.

NOTES

1. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the form of development reasonably expected within Zone RL (Rural Living) of the Northern Territory Planning Scheme (the Planning Scheme).
2. Pursuant to clause 7.10.7.3 of the Planning Scheme, the consent authority may approve an application for a home occupation that is not in accordance with clause 7.10.7.2 only if it is satisfied that the proposed home occupation is appropriate to the site having regard to the potential impact of the home occupation on the residential amenity of adjoining and nearby property. Notwithstanding the proposed variations to clause 7.10.7.2(a) and clause 7.10.7(b) of the Planning Scheme, the proposed home occupation is not expected to have any material impact on the amenity of any other property in the locality, as:
 - a) the use will be limited to part (approximately 55m²) of an existing building;
 - b) no significant noise, odour or fume emissions are envisaged;
 - c) no goods will be visible from off the site; and
 - d) the use is not expected to generate vehicle activity at a scale or frequency that could be expected to have significant noise or dust impacts on any other property.
3. 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 home occupation is not expected to have any significant impact on the existing or future amenity of the area.
4. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and Planning Regulations and referred to the Alice Springs Town

Council. One public submission was received and has been duly considered.

5. The conditions are intended to assist in ensuring that:
 - a) service authority requirements are duly addressed; and
 - b) the scale and intensity of the use are duly limited, in the context of the Planning Scheme and the amenity of the locality.

ACTION: Notice of Consent and Development Permit

ITEM 4 **DEVELOPMENT – SUBDIVISION TO CREATE THREE LOTS**
PA2014/0203 **LOT 9197, 103 SMITH STREET, SUBURB OF CICCONE, TOWN OF ALICE**
APPLICANT **AUSTRALIAN PROPERTY PROJECTS**
SPRINGS

Mr Ken Patterson of Australian Property Projects Pty Ltd attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority, pursuant to section 53(a) of the *Planning*
0045/14 *Act*, consent to the application to develop Lot 9197, 103 Smith Street, Suburb of
Ciccone, Town of Alice Springs for the purpose of a subdivision to create three lots,
subject to the following conditions:

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 on the plan of subdivision submitted for approval by the Surveyor General.
3. 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 facilities and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/ cycle corridors and streetscaping are 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.
5. Before the issue of titles and pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel (Lot 9197) to include the following advice on the proposed lots indicated on the endorsed drawings. The Caution Notice is to state: "Compacted Landfill Site". Evidence of lodgement/registration on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. 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 reserves.
2. 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.
3. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the subdivision are available from Department of Land Resource Management.
4. 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.
5. The Environment Protection Authority of the Department of Lands, Planning and The Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed subdivision is generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 2.4 (Specific Uses), the purpose of Specific Use zone SA4 is to facilitate the use and development of the land for light industrial purposes while ensuring a level of visual amenity appropriate to the location;
 - Clause 11.3.1 (Site Characteristics in Industrial Subdivisions) the purpose of which is to ensure that industrial lots respond to the physical characteristics of the land;
 - Clause 11.3.2 (Infrastructure in Industrial Subdivisions) the purpose of which is to ensure industrial lots are integrated with required infrastructure;
 - Clause 11.3.3 (Lot Size and Configuration in Industrial Subdivisions) the purpose of which is to ensure lots are of an appropriate size and configuration.

2. 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 to be provided to the developer for that purpose. The Power and Water Corporation has identified that reticulated electricity, water and sewer services are available to the site. Conditions attached to the Development Permit will duly recognise the interests of service authorities in terms of connection of reticulated services to each lot and other servicing requirements.
3. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the consent authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The requirement for a Caution Notice to be registered on the title of each lot is considered necessary with a view to ensuring that future owners / occupants of lots created through the subdivision are aware of the state of the land including potential soil stability issues and associated potential hazards and inconveniences.
4. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and *Planning Regulations*, no adverse public or service authority submissions were received.

ACTION: Notice of Consent and Development Permit

ITEM 5 **DEVELOPMENT – 30 X 1 BEDROOM AND 38 X 2 BEDROOM MULTIPLE DWELLINGS IN 1 X 3 STOREY BUILDING AND 2 X 2 STOREY BUILDINGS**
PA2014/0162 **LOT 2663, 19 SOUTH TERRACE, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS**
APPLICANT **SUSAN DUGDALE**

Sue Dugdale, Nadine Graham and Brendan Chan attended the meeting in support of the application and tabled amended drawings.

RESOLVED That, the Development Consent Authority vary the requirements of:
0046/14 • Clause 6.5.3 (Parking Layout);
 • Clause 6.14 (Land Subject to Flooding and Storm Surge);
 • Clause 7.3 (Building Setbacks of Residential Buildings);
 • Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18 metres); and
 • Clause 7.5 (Private Open Space);
 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 2663, 19 South Terrace, Suburb of The Gap, Town of Alice Springs for the purpose of 30 x 1 bedroom and 38 x 2 bedroom multiple dwellings in 1 x 3 storey building and 2 x 2 storey buildings, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works

(including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans that were publicly exhibited (24/04/2014 to 09/05/2014) and the revised drawings that were tabled at the 14/05/2014 DCA meeting but modified to show:

SITE PLAN

- (a) Vehicle access point/s to the site from the Gap Road service lane, access easement within Lot 6441 and associated driveway widths;
- (b) all existing and proposed easements, electricity substations and services (power and water meter arrangements, fire hydrant boosters);
- (c) details of lighting at the Gap Road (service lane) and South Terrace entrances and throughout site including, pathways within common areas, roadways, communal open space etc;
- (d) details of all proposed boundary fencing, retaining walls and gates to the perimeter of the site - (locations, heights above finished ground levels and building materials);

ELEVATIONS

- (a) revised cross-sections and longitudinal sections to show the relationship between structures (including boundary fencing), ground level, finished floor levels (refer to condition 15) and their respective heights;

LANDSCAPING & FENCING

- (a) a planting schedule of all existing trees to be retained, proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (b) details of surface finishes of carports, pathways, communal open space areas, and rear private open space areas of dwellings;
- (c) 30% of the site area of Lot 2663 landscaped - landscaping and planting within all open areas of the site (within private open space areas and common property areas);
- (d) 1.8m high (above finished ground level) fencing to ground level private open space boundaries between dwellings and to side and rear boundaries of the site that complies with the screening requirements specified in Clause 7.5(3) of the NT Planning Scheme. Plants must be selected with a view to achieving the privacy screening outcomes under Clause 7.5(3)(b) of the NT Planning Scheme;
- (e) Irrigation arrangements to planted areas.

All plant species selected must be to the satisfaction of the consent authority, preferably species native to central Australia and due regard must be given to the landscaping design criteria contained in Clauses 6.12 (landscaping) and 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

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

4. Before the use or occupation of each stage 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) in accordance with the manoeuvring and parking bay dimensions of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme);
 - (c) properly formed to such levels that they can be used in accordance with the plans;
 - (d) surfaced with an all-weather-seal coat;
 - (e) drained;
 - (f) line marked or otherwise suitably delineated to indicate each car space;to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times.
5. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and 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, to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
7. Protective kerbs (of a minimum height of 150mm) or bollards must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
8. Before the use/occupation of each stage of the development starts the landscaping works shown on the endorsed plans (for the applicable stage) must be carried out and completed to the satisfaction of the consent authority.
9. 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.
10. 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.
11. 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 services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
12. The kerb crossovers and driveways 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.
13. Storm water is to be collected and 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.

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 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.
15. The finished ground floor levels of habitable rooms of each of the three residential buildings shall be no lower than 572.55 metres Australian Height Datum (AHD) and no higher than 572.7 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 three residential buildings, such that the levels fall within upper and lower limits prescribed above. 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.
16. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on Lot 2663, Town of Alice Springs. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. 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.
2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.
3. This development permit does not grant "building approval" for the change of use and proposed building works. The Building Code of Australia requires that certain structures within 900mm of a lot 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.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.

5. 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.
6. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work (including construction access) within the Gap Road and South Terrace road reserves.
7. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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.
8. The swimming pools shown on the drawings may need to comply with Swimming Pool Safety Act, the developer should contact the Swimming Pool Fencing Unit of the Department of Lands, Planning and the Environment for further information (<http://www.lands.nt.gov.au/building/swimming-pool-fencing>).

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. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 4.3 (Planning Principles – Alice Springs); and
 - Zone MR (Medium Density Residential), the primary purpose of Zone MR is to provide for a range of housing options to a maximum height for four storeys above ground level. The development is under the 3 storey height limitation (imposed by Clause 6.2) and the scale, character and architectural style of the multiple dwelling development is compatible with the streetscape and surrounding development within The Gap.
2. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow:
 - (a) The walls of the dwellings to be setback 3m from the boundary to South Terrace (primary street) instead of the required 6m; and
 - (b) The balconies of the dwellings to be setback 2m from the boundary to South Terrace (primary street) instead of the required 4.5mis granted as:
 - South Terrace road reserve is ~33m wide and the site is opposite the Todd River which is zoned CN (Conservation) and unlikely to be developed;
 - The orientation of the dwellings means that the eastern corners of the buildings encroach into the minimum setback distances rather than entire widths of walls, thereby minimising any potential building massing when

- viewed from the street;
- The proposed front boundary fencing and landscaping (2 x 10m high trees and smaller shrubs at the river end of each townhouse block) once mature, may partially screen the development from the street and adjacent sites;
 - The reduced front building setbacks enables 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; and
 - The proximity and orientation of the end units allows increased passive surveillance opportunities over the Todd River area.
3. Variations to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres) of the NT Planning Scheme to allow reduced side building setbacks are granted as the footprints, orientation and design of the development will minimise any potential adverse effects of building massing, visual bulk and overlooking when viewed from adjoining land and the street.
 4. Variations are granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some of the dwellings (as shown on the drawings) that do not fully comply with the minimum standard area and length and width dimensions. Variations to this provision are supported, as the following circumstances apply to the development:
 - The dimensions of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of the one and two bedroom dwellings;
 - the private open space areas are positioned to enable an extension of the function of each dwelling;
 - the areas of private open space are considered to be appropriate for the number of bedrooms, floor areas and layout of each dwelling;
 - communal open space areas, compliant with Clause 7.6 of the NT Planning Scheme are included as part of the development.
 5. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application. The addition of 68 multiple dwellings into the Alice Springs housing market will contribute towards achieving Objective 1 of the Strong Society vision contained in the Framing the Future strategic plan to support Territorians with diversity of housing choices under the *Real Housing for Growth* plan.
 6. Pursuant to section 51(j) of the *Planning Act*, the consent authority is required to consider 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. 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*, the Development Consent Authority must take into consideration 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 easements may be required. These locations will need to be resolved prior to works commencing and the conditions of approval are intended to ensure service authority interests are duly recognised.

8. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, and has little potential adverse impact on the surrounding area. Consideration has been given to the streetscape and surrounding area.
9. Pursuant to section 51(p) of the *Planning Act*, 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.
10. Pursuant to section 51(p)(i) of the *Planning Act* the consent authority must take into consideration the public interest including how community safety though crime prevention principles in design are provided for in the application. The majority of proposed balconies overlook the communal open space area at the centre of the site and/or the South Terrace road reserve Todd River and no solid front fencing to the site will be used thereby meeting two of the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance to the streetscape and communal open space.
11. The application (as amended) was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority (section 49) submissions were received.
12. A detailed landscaping plan is required to ensure that the visual bulk of the development is minimised and that the impact on surrounding lots, the streetscape and communal open space areas is acceptable.

ACTION: Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

16/5/2014