

## DEVELOPMENT CONSENT AUTHORITY

### ALICE SPRINGS DIVISION

### MINUTES

**MEETING No. 194 – WEDNESDAY 11 MARCH 2015**

**DOUBLE TREE BY HILTON  
BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Denis Burke, David Koch, Steve Brown, Brendan Heenan, Alistair Feehan (absent for the deliberation of Item 1) and Chansey Paech

**APOLOGIES:** None

**OFFICERS PRESENT:** Peter Somerville, Fraser Cormack, Ben Taylor, Stephen Brooks, Michael Steller

**COUNCIL REPRESENTATIVE :** Dilip Nellikat

**Meeting opened at 10.45 am and closed at 11.30 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 – 75 MULTIPLE DWELLINGS (COMPRISING OF 60 X 2 BEDROOM AND 15 X 1 BEDROOM DWELLINGS IN 5 X 2 STOREY BUILDINGS) LOT 2663, 19 SOUTH TERRACE, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS THE BOWLING GREEN TRUST**

Mr Paul Graham (The Bowling Green Trust), Laura Zhang (Round 6 Architects) and James Longkwang (Opus International Consultants (Australia) Pty Ltd) attended the meeting in support of the application and tabled amended drawings and addressed the meeting in response to the matters identified in the assessment report prepared by Development Assessment Services.

Mr Dilip Nellikat tabled a copy of an email from Alice Springs Town Council to Opus International Consultants (Australia) Pty Ltd (dated 10/03/2015).

**RESOLVED  
0022/15**

That, the Development Consent Authority vary the requirements of:

- 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);
- Clause 7.5 (Private Open Space); and
- Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation);

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 60 x 2 bedroom and 15 x 1 bedroom multiple dwellings in 5 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 drawings must be generally in accordance with the drawings that form part of "Attachment A" of the agenda report prepared by Development Assessment Services (dated 04/03/2015) and the revised drawings that were tabled at the 11/03/2015 DCA meeting but modified to show:
  - (a) 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);
  - (b) revised cross-sections and longitudinal sections to show the relationship between structures (including boundary fencing), ground level, finished floor levels (refer to condition 17) and their respective heights;

- (c) 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;
- (d) details of surface finishes of carports, pathways, communal open space areas, and rear private open space areas of dwellings;
- (e) landscaping and planting within all open areas of the site (within private open space areas and common property areas);
- (f) canopy trees (minimum 2 metres tall when mature) in the rear private open space areas of the units which abut the boundaries of Lot 213, Lot 2664 and Lots 6441 – 6443;
- (g) 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;
- (h) 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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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) 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.
4. "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.
5. 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.
6. Before the use/occupation 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.

7. 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.
8. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
9. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
10. 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.
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. 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.
15. All proposed works impacting on Gap Road and South Terrace are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
16. 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.

17. The finished ground floor levels of habitable rooms of each of the five 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 five 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.
18. 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](mailto:landdevelopmentsouth@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.
2. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
3. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from the Department of Land Resource Management.
4. 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.
5. 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.

6. 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.
7. 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.
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>).
9. This development permit will expire if one of the following circumstances applies:
  - (a) the development and use is/are not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.
 The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the 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:
  - a) Clause 4.3 (Planning Principles – Alice Springs); and
  - b) 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 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
  - There is no evidence to suggest that the existing reticulated services, community facilities and public infrastructure in the area cannot support the proposed development and the proposal is consistent with land capability. Conditions on the Development Permit will ensure that the development is constructed in accordance with service authority requirements;
  - The development is under the three storey (to 14m) building height limitation that applies to MR zoned land in Alice Springs;
  - The design is compatible with the architectural style, site coverage, heights,

- setbacks and landscaping of other developments in the vicinity of the site; and
- The proposed dwelling density is consistent with the planning principle of Clause 4.3(a) of the NT Planning Scheme for Alice Springs, which aims to “provide for orderly development catering for a growing population maximising options for urban infill”.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the walls of the dwellings to be setback 3m and 3.2m from the boundary to South Terrace (primary street) instead of the required 6m is 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 (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.
  4. 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 and rear 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;
    - proposed Units 1-16 abut the boundary to Lot 213, South Terrace which is constrained by registered sacred sites and unlikely to be further developed in the vicinity of the boundary to Lot 2663;
    - the walls of the dwellings facing the side boundaries (Units 1 – 16 and Units 44 – 60) are not a continuous length of building. The building footprint is of a jagged design so that the setback of the wall of each dwelling (~6.1m) increases. Fencing and landscaping (trees and shrubs) will provide screening to the affected boundaries.
  5. 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 (including swimming pool, barbecue area and pocket parks) are included in the design of the development;
  - there are areas of quality public open space and sporting facilities in close proximity to the site (Todd River, Aquatic Centre, Traeger Park, gymnasiums and neighbourhood parks).
6. Pursuant to section 51(e) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*:
- (a) One public submission was received from the Department of Housing which raised a number of concerns with the proposed development, primarily in relation to the original proposal to use Gap Road as the sole vehicle access point to the site.
  - (b) A local authority submission was received from the Alice Springs Town Council.
  - (c) The matters raised in the submissions have been:
    - Acknowledged and discussed in the reports considered by the Development Consent Authority at their meetings held on 14/01/2015 and 11/03/2015; and
    - Have been addressed through submission of amended drawings and documentation by the applicant and the inclusion of appropriate conditions on the Development Permit.
  - (e) The Development Consent Authority has considered the verbal evidence and documents tabled from the applicant and representatives and the Alice Springs Town Council at both meetings associated with the application.
7. Pursuant to section 51(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 75 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.
  - The application contends that the proposal fulfils the objectives of the performance criteria requirements of the NT Planning Scheme and the approved dwelling density and associated variations to minimum standards for development enables the affordable housing to be provided without compromising the amenity of occupants of the development or to adjacent and nearby land.
8. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the 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

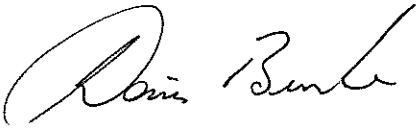


floor layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use.

9. Pursuant to section 51(m) of the *Planning Act*, 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 easements may be required. These locations are noted on the revised drawings and the conditions of approval are intended to ensure service authority interests are duly recognised.
10. Pursuant to section 51(n) of the *Planning Act*, 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 proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, potential adverse impact on the surrounding area will be mitigated. Consideration has been given to the streetscape and surrounding area. The development application (PA2014/0966) was publicly exhibited for 14 days and the previous application (PA2014/0162) was exhibited twice. With the exception of comments from the Department of Housing, no public submissions were received in relation to the applications.
11. 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.
12. Pursuant to section 51(p)(i) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest including how community safety through crime prevention principles in design are provided for in the application. The majority of proposed balconies overlook the driveways, communal open space areas and/or the South Terrace road reserve and 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.
13. 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



DENIS BURKE  
Chairman

23/3/2015