EXECUTIVE SUMMARY

The following items appeared on the Development Consent Authority Agenda for the meeting to be held on the 09 October 2013.

RECOMMENDATION

It is a recommendation to Council:

That this report is noted

DISCUSSION

This report details items to be discussed at the Development Consent Authority meeting to be held on 09 October 2013.

SESSION 1

Item 1. Lot 7105, 330 Ross Highway
Development – Change of existing land use to Home based contracting
PROJECT BUILDING CERTIFIERS PTY LTD

Approval is sought to use 350 sq. m of an existing shed 1050 sq. m for commercial purposes.

The land is currently zoned RL.

Current flood mapping identifies that the site is located within a Defined Flood Area and is liable to be inundated in a 1.0% AEP Defined Flood Event.

Attachment A

Item 2. Lot 10017, 48 Irrampenye Street
Multiple Dwellings (construct 4 x 3 bedroom dwellings in 2 x 2 storey buildings)
RJ Hughes Nominees Pty Ltd

Approval is sought to construct 4 x 3 bedroom dwellings in 2 x 2 storey buildings.

The plans provided with the application suggest a maximum building height of approximately 7.6 metres above natural ground level, however, it has been identified that the ground level of the site has been raised using earth-fill subsequent to the creation of Lot 10017 (i.e. one of 33 lots created through the subdivision of former lots 9870 and 9871 Stephens Road under Development Permit DP09/0613).
Item 3. Lot 8804, 155 Cromwell Drive
Multiple Dwellings (construct 2 x 3 bedroom dwellings in 1 x 2 storey buildings)
R J Hughes

Approval is sought to construct 2 x 3 bedroom dwellings in 1 x 2 storey buildings.

The property is a vacant lot within Stage 3 of the Cromwell Drive estate, on a site that is zoned MD (Multiple Dwelling Residential) and is outside the flood prone area.

Item 4. Lot 9043, 90 Todd Street
Development — Additions And Alterations To An Existing Restaurant In A Single Storey Building
Voda Building Services P/L

Approval is sought for additions and alterations to an existing restaurant in a single storey building.

The zoning for this development comes in Zone CB (Central Business)

The parking layout is proposed to be altered by the removal of 1 parking bay adjacent to the proposed loading bay to facilitate staff access to the back of the restaurant. The parking layout is otherwise consistent with the layout approved by Development Permit DP06/0083.

The application does not include a detailed landscaping plan. Landscaping should be maintained to in accordance with the landscape plan endorsed as part of DP06/0083.

Item 5. Lot 3268, 58 Bradshaw Drive
Development - Subdivision for the purposes of a Unit Title Scheme (Six Lots Comprising of five Multiple Dwellings and a Common Property Area)
The Walaru Discretionary Trust

Approval is sought to subdivide for the purposes of a Unit Title Scheme (six lots comprising of five multiple dwellings and a common property area).

The land is within Zone SD (Single Dwelling Residential) under the Scheme. The application seeks consent to unit title the multiple dwelling development (5 dwellings) deemed existing and approved by the DCA through Alteration Permit AP12/0002.

Item 6 Lot 4579, 6 Gap Road
In Alice Springs Hospital's (ASH's) cogeneration system, natural gas will be used to generate more than sixty per cent of the hospital's electricity - which will save the hospital many hundreds of thousands of dollars each year in electricity costs.

The generator's exhaust heat will be used to produce 40 per cent of the hospital's steam - used for sterilisation, hot water, heating, cooking and in the laundry. This essentially 'carbon and cost free' steam will reduce ASH's greenhouse gas emissions equivalent to a 9,500 panel solar farm (a 20% carbon footprint reduction).

To manage the impact of the project on the community, the Development Permit (DP11/0742) conditions included that plant noise emissions are to be no greater than background noise levels at the closest residential units and that drawings demonstrating the project's aesthetics need to be approved.

Attachment F

Dilip Nellikat
MANAGER DEVELOPMENTS

Greg Buxton
DIRECTOR TECHNICAL SERVICES
TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT CLAUSES OF THE NORTHERN TERRITORY PLANNING SCHEME

Lot number: Lot 7105, 330 Ross Highway, Suburb of Ross
Town/Hundred: Town of Alice Springs
Zone: RL (Rural Living)
Site Area: 3.8 hectares
Proposal: Home Based Contracting (Garaging of Trucks).

‘Home Based Contracting’ is a permitted use in Zone RL (Rural Living), subject to compliance with the following clauses of the NT Planning Scheme:

- Clause 6.2 (Building Heights in Alice Springs)
- Clause 6.11 (Garages and Sheds)
- Clause 6.14 (Land Subject to Flooding and Storm Surge)
- Clause 10.2 (Clearing of Native Vegetation in Zones H, A RR, RL, R, CP, CN, ED and WM and on unzoned land)
- Clause 2.8 (Reference to Guidelines)

It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.

An assessment against the relevant Performance Criteria of the NT Planning Scheme is below:
Clause 6.2 (Building Height in Alice Springs)

1. The purpose of this clause is to maintain the low-rise character of development in Alice Springs.
2. Despite anything to the contrary in this Planning Scheme, the height of a building within the Municipality of Alice Springs is not to exceed the height specified in the table to this clause except for education establishments in Zone CP.
3. The height of any building or structure forming part of an education establishment is not to exceed three storeys or 14m above ground level.
4. The height of a building is to be determined as in sub-clause 6.1.
5. The consent authority must not consent to development that is not in accordance with this clause.

| Clause 6.1 controls building heights generally. |
| Clause 7.1 controls the height of dwellings in some zones. |
| A topographical survey may be required to accurately determine ground level. |
| Structures below ground level should consider the Alice Springs Town Basin aquifer. |

<table>
<thead>
<tr>
<th>TABLE TO CLAUSE 6.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cont.</td>
</tr>
<tr>
<td>CB, C, SC, TC and MR</td>
</tr>
<tr>
<td>All other zones</td>
</tr>
</tbody>
</table>

Part of a recently constructed shed is used for Home Based Contracting purposes. The shed is single storey and the apex height is 7.7m above ground level.

COMPLIES

Clause 6.11 (Garages and Sheds)

The recently constructed shed complies with the setback requirements of this clause as summarised in the table below.

| TABLE to clause 6.11 (Minimum Building Setbacks for Garages and Sheds) |
|-----------------------------|-----------------|----------------|-------|
| Property Boundary           | Requirement of Scheme | Setback Proposed | Complies |
| Primary Street (Ross Highway) | 10m (walls)       | ~87             | Yes   |
| Side (East)                 | 10m (walls)       | ~161m           | Yes   |
| Side (West)                 | 10m (walls)       | 10m             | Yes   |
| Rear (South)                | 10m (walls)       | ~67m            | Yes   |

COMPLIES
Clause 6.14 (Land Subject to Flooding and Storm Surge)

Current flood mapping identifies that the site is located within a Defined Flood Area and is liable to be inundated in a 1.0% AEP Defined Flood Event. Part of the recently constructed shed appears to have been constructed within the area of the site prone to flooding.

Subclause (2)(a) states that (Clause 6.14) does not apply to carports, garages, garden sheds....which, but for this clause would not require consent. The shed is a new building, partly used for Home Based Contracting purposes and is considered to be a more substantial building than a “garage” or a “garden shed”. Nonetheless a Building Permit has been issued for it as a BCA Class 10a (non-habitable) structure.

Subclause 6.14(4) specifies that despite anything to the contrary in the NT Planning Scheme and subject to subclause 6.14(2) zoned land that is within a Defined Flood Area is to be used or developed only with consent.

5. In a DFA:
   (a) the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided;
   (b) the minimum floor level of habitable rooms should be 300mm above the flood level for the site; and
   (c) the use of fill to achieve required floor levels should be avoided.

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Estimated 1% AEP flood surface contour

Approximate natural ground level (in AHD)
Flood mapping does not indicate what the water depth (from a 1% AEP flood event) over the natural ground level of the site will be.

This clause contains no minimum standards for development of non residential buildings sited on flood liable land other than such development requiring consent.

Extract from the Alice Springs Rural Flood Map (November 2007)

Page 4 of 6
Clause 7.10.8 (Home Based Contracting)

1. The purpose of this clause is to ensure that home based contracting is established and operated in a manner that does not detract from the amenity of the locality.

2. A site of a dwelling may be used for home based contracting:

(a) In Zones RL, R, H, A or FD where:

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Performance Criteria</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.10.8(2)(a)(i)</td>
<td>The total area of the site that is used for the home based contracting (including areas used temporarily) does not exceed 200m$^2$;</td>
<td>Does not Comply. The application identifies that 350m$^2$ of the site area is used for home based contracting. It is noted that there may be additional areas (truck turning circles, trailer storage, outdoor loading ramp) that are used temporarily.</td>
</tr>
<tr>
<td>7.10.8(2)(a)(ii)</td>
<td>No greater demand or load is imposed on the services provided by a public utility organisation than that which is ordinarily required in the locality;</td>
<td>Complies. Technical comments received from the Power and Water Corporation has advised of no objection to the proposal subject to water and electricity services/connections to the site being upgraded in accordance with the PAWC's standards.</td>
</tr>
<tr>
<td>7.10.8(2)(a)(iii)</td>
<td>No sign is displayed, other than a business sign that is not more than 0.5m$^2$ in area;</td>
<td>Complies. No business sign is displayed on site.</td>
</tr>
<tr>
<td>7.10.8(2)(a)(iv)</td>
<td>No goods or equipment are visible from outside the site; and</td>
<td>Does not Comply. Trucks, pallets, a forklift are visible from Lot 8209, adjacent Crown land and Ross Highway.</td>
</tr>
</tbody>
</table>
| 7.10.8(2)(a)(v) | Not more than three vehicles kept on the site are used for the purpose of the home based contracting. | Does not Comply. The application states that:
- 2 x freezer van trucks;
- 2 x top tray trucks
- 1 x prime mover are stored on site and associated with the business. At the time of inspecting the site (01/05/2013) it was also noted that there is also a forklift. |

DOES NOT COMPLY

3. The consent authority may approve an application for a home based contracting that is not in accordance with sub-clause 2 only if it is satisfied the proposed home based contracting is appropriate to the site having regard to the potential impact of the home based contracting on the residential amenity of adjoining and nearby property.
Clause 10.2 (Clearing of Native Vegetation in Zones H, A RR, RL, R, CP, CN, ED and WM and on unzoned land)

1. The purpose of this clause is to ensure that the clearing of native vegetation does not unreasonably contribute to environmental degradation of the locality.

2. This clause does not apply if the clearing of native vegetation is required or controlled under any Act in force in the Territory, or is for the purpose of:
   (a) a firebreak up to 5m wide along the boundary of a lot having an area of 8ha or less, unless otherwise specified by a Regional Fire Control Committee; or
   (b) a firebreak up to 10m wide along the boundary of a lot having an area greater than 8ha, unless otherwise specified by a Regional Fire Control Committee; or
   (c) an internal fence line up to 10m wide on a lot having an area greater than 8ha.

3. The clearing of native vegetation is to:
   (a) avoid impacts on environmentally significant or sensitive vegetation;
   (b) be based on land capability and suitability for the intended use;
   (c) avoid impacts on drainage areas, wetlands and waterways;
   (d) avoid habitat fragmentation and impacts on native wildlife corridors; and
   (e) avoid impacts on highly erodible soils.

4. All clearing of native vegetation in Zone CN requires consent.

5. Subject to sub-clause 6, the clearing of native vegetation of more than one hectare in aggregate of land (including any area already cleared of native vegetation) on unzoned land or in Zones H, A, RR, RL, R, CP, CN, RD or WM requires consent.

6. Despite sub-clause 5 the clearing of native vegetation on a lot identified on the zoning map as "Restricted Rural Residential" must not exceed that reasonably necessary for the construction of a dwelling and uses ancillary to that dwelling. The consent authority must not consent to development that is not in accordance with this sub-clause.

Aerial photography of the site indicates that native vegetation within the vicinity of where the new shed is located and associated driveway had been cleared of native vegetation by the late 1960s. No additional native vegetation (certainly not over a hectare) has been cleared in recent times.

COMPLIES

Clause 2.8 (Reference to Guidelines)
This clause states that applications for a use or development must demonstrate consideration of and the consent authority must have regard to any guidelines applicable to the use and development appearing in Schedule 3 and ensure that a use or development or a proposed use or development is consistent with them. The Community Safety Design Guide is applicable to this proposed development.

Community Safety Design Guide

The Community Safety Design Guide is a reference document to the Planning Scheme. Under the provisions of the Planning Scheme applications for a development must demonstrate consideration of the Guide and the consent authority must have regard to the guide.

There is limited direction within the Design Guide regarding developments within a rural residential area. The roller doors facing towards Ross Highway allow for passive surveillance to and from the site. Vehicular access to the site is clearly defined, however there is no signage directing visitors to the site to loading bays or parking areas.
Lot number: Lot 10017 (48) Irrampenye Street, Suburb of Mt Johns
Town/Hundred: Town of Alice Springs
Zone: MD (Multiple Dwelling Residential)
Site Area: 1350 m²
Proposal: 4 x 3 bedroom multiple dwellings in two x two storey buildings

Multiple Dwellings are a discretionary use in Zone MD (Multiple Dwelling Residential) and subject to the following provisions:

- Clause 6.2 (Building Heights in Alice Springs)
- Clause 6.5.1 (Parking Requirements)
- Clause 6.5.3 (Parking Layout)
- Clause 6.12 (Landscaping)
- Clause 7.1.1 (Residential Density Limitations)
- Clause 7.1.2 (Residential Height Limitations)
- Clause 7.3 (Building Setbacks of Residential Buildings)
- Clause 7.3.2 (Distance between Residential Buildings on One Site)
- Clause 7.5 (Private Open Space)
- Clause 7.6 (Communal Open Space) – Not required (See Clause 7.5.5)
- Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation)
- Clause 7.8 (Building Design For Multiple Dwellings, Hostels and Supporting Accommodation)
- Clause 2.8 (Reference to Guidelines)

This is a technical assessment of the proposal against the requirements of the NT Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.
6.2 Building Heights in Alice Springs

6.2.1 General Height Control

1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.

2. This clause does not apply within Zones CB or DV or TC or to education establishments within zones CL or CP or, subject to clause 7.1, Zone C.

3. The height of any point of a building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building.

4. Unless expressly provided by this Planning Scheme, the height of any part of a building is not to exceed 8.5m above the ground level, unless it is:
   a) a flag pole, aerial or antenna; or
   b) for the housing of equipment relating to the operation of a lift.

The plans provided with the application suggest a maximum building height of approximately 7.6 metres above natural ground level, however, it has been identified that the ground level of the site has been raised using earth-fill subsequent to the creation of Lot 10017 (i.e. one of 33 lots created through the subdivision of former lots 9870 and 9871 Stephens Road under Development Permit DP09/0613). The applicant has been recommended to review plans to include sections across the site:

1) showing the relationship between the levels of:
   a) the Finished Ground Level (i.e. the site at the time that the subdivision was completed);
   b) any proposed retaining walls or structures;
   c) the proposed building; and
   d) proposed boundary fencing; and

2) demonstrating that the proposed development complies with clause 6.1 and clause 6.2 of the NT Planning Scheme, respectively.

COMPLIANCE NOT DEMONSTRATED

6.5.1 Parking Requirements

The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

Except with the consent of the consent authority, a person shall not use or develop land for the purpose of multiple dwellings unless provision is made on the land for 2 car parking spaces per dwelling.

The proposal provides 2 car parking bays for each dwelling and 1 additional parking bay.

COMPLIES
6.5.3 Parking Layout

The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

An assessment of how the proposal complies with this clause is presented in the table below:

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.5.3(3)(a)</td>
<td>be of a suitable gradient for safe and convenient parking;</td>
<td>Complies</td>
</tr>
<tr>
<td>6.5.3(3)(b)</td>
<td>be sealed and well drained;</td>
<td>Plans show a concrete surface.</td>
</tr>
<tr>
<td>6.5.3(3)(c)</td>
<td>be functional and provide separate access to every car parking space;</td>
<td>Complies.</td>
</tr>
<tr>
<td>6.5.3(3)(d)</td>
<td>limit the number of access points to the road;</td>
<td>A single crossover to the site is proposed.</td>
</tr>
<tr>
<td>6.5.3(3)(e)</td>
<td>allow a vehicle to enter from and exit to a road in a forward gear;</td>
<td>Complies</td>
</tr>
<tr>
<td>6.5.3(3)(f)</td>
<td>maximise sight lines for drivers entering or exiting the car parking area;</td>
<td>Complies</td>
</tr>
<tr>
<td>6.5.3(3)(g)</td>
<td>be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;</td>
<td>Complies</td>
</tr>
<tr>
<td>6.5.3(3)(h)</td>
<td>be in accordance with the dimensions set out in the diagram to this clause;</td>
<td>Complies</td>
</tr>
<tr>
<td>6.5.3(3)(i)</td>
<td>have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one way traffic flow; and</td>
<td>The driveway is pinched to a minimum of 5 metres, but is expected to be functional. Does not comply</td>
</tr>
<tr>
<td>6.5.3(3)(j)</td>
<td>be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.</td>
<td>Complies</td>
</tr>
</tbody>
</table>

DOES NOT COMPLY
6.12 **Landscaping**

The purpose of this clause is to ensure that landscaping on a site complements the streetscape, is attractive, water efficient and contributes to a safe environment.

Landscaping should be designed so that:

<table>
<thead>
<tr>
<th>Design Objective</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) planting is focussed on the area within the street frontage setbacks and communal open space areas and uncovered car parking areas;</td>
<td></td>
</tr>
<tr>
<td>(b) it maximises efficient use of water and is appropriate to the local climate;</td>
<td>Covenants that apply to the subdivision encourage planting with native species. The application does not detail species selection.</td>
</tr>
<tr>
<td>(c) it takes into account the existing streetscape, or any landscape strategy in relation to the area;</td>
<td>There lot has no existing vegetation.</td>
</tr>
<tr>
<td>(d) significant trees and vegetation that contribute to the character and amenity of the site and the streetscape are retained;</td>
<td></td>
</tr>
<tr>
<td>(e) energy conservation of a building is assisted having regard to the need for shade and sunlight at varying times of the year;</td>
<td>The proposal does not include any planting to the western side of Unit 4, which will have limited protection from the summer afternoon sun. Units 1, 2 and 3 will be screened from the summer afternoon sun by adjoining units.</td>
</tr>
<tr>
<td>(f) the layout and choice of plants permits surveillance of public and communal areas; and</td>
<td>Proposed planting is not expected to affect passive surveillance of driveway and parking areas.</td>
</tr>
<tr>
<td>(g) it facilitates on-site infiltration of stormwater run-off.</td>
<td>The design is expected to facilitate some infiltration of stormwater into landscaping. However, no stormwater management plan has been provided.</td>
</tr>
</tbody>
</table>

The application includes a landscape concept plan that includes planting to all boundaries.

**GENERALLY COMPLIES**

7.1.1 **Residential Density Limitations**

1. The purpose of this clause is to ensure that residential development is:

(a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and

(b) be consistent with land capability.

<table>
<thead>
<tr>
<th>Zone</th>
<th>Dwelling Density</th>
<th>Proposed Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>MD</td>
<td>1 per 300m²</td>
<td>1 per 337.5 m²</td>
</tr>
</tbody>
</table>

**COMPLIES**
7.1.2 Residential Height Limitations

1. The purpose of this clause is to ensure that residential development is of a height that:

   (a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
   (b) does not unduly overlook adjoining properties;

2. The height of any point of a residential building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building;

3. Subject to clause 6.2, the height of residential buildings that may be constructed on a site are to be determined in accordance with the table to this clause.

<table>
<thead>
<tr>
<th>Table to Clause 7.1.2</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
</tr>
<tr>
<td>MD and for Multiple Dwellings in Zones CL, T</td>
</tr>
</tbody>
</table>

COMPLIANCE NOT DEMONSTRATED
7.3 Building Setbacks of Residential Buildings

The proposed dwellings will require variations to this clause as summarised in the table below.

### TABLE A to clause 7.3 (Minimum Building Setbacks for Residential Buildings)

<table>
<thead>
<tr>
<th>Property Boundary</th>
<th>Requirement of Scheme</th>
<th>Minimum Setback Proposed</th>
<th>Complies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front (Irrampenye Street)</td>
<td>6m (wall of dwelling) 4.5m (posts of verandahs and entry / outer surface of support columns) 3.6m (roof eaves/gutters)</td>
<td>6.0m 6.0m (posts of Unit 1 verandah and entry) ~4.9m</td>
<td>YES YES YES</td>
</tr>
<tr>
<td>Rear (Western)</td>
<td>1.5m (wall of dwellings) 1.5m (posts of verandahs and carports / outer surface of support columns) 0.6m (roof eaves/gutters)</td>
<td>1.98m 1.98m (posts of Unit 4 verandah and entry) ~1.08</td>
<td>YES YES YES</td>
</tr>
<tr>
<td>Side (Northern)</td>
<td>1.5m (wall of dwellings) 1.5m (posts of verandahs / outer surface of support columns) 0.6m (roof eaves/gutters)</td>
<td>7.5m (wall of dwellings) ~4.5m ~3.6m</td>
<td>YES YES YES</td>
</tr>
<tr>
<td>Side (Southern)</td>
<td>1.5m (wall of dwellings) 1.5m (entry support columns) 0.6m (roof eaves/gutters)</td>
<td>~7.4m (wall of dwellings) ~7.4m (entry support columns) ~6.5m</td>
<td>YES YES YES</td>
</tr>
</tbody>
</table>

**COMPLIES**
7.3.1 and 7.3.2 (Additional Building Setback Requirements)

It is noted that Clause 7.3.1 was amended on 14 August 2013 following the gazettal of NT Planning Scheme Amendment 298.

7.3.1 Additional Setback Requirements for Residential Buildings

1. The purpose of this clause is to ensure that residential buildings are located so as to minimise any adverse effects of building massing and visual bulk when viewed from adjoining land and the street.

2. For residential buildings, other than single dwellings that are longer than 18m or taller than 4 storeys, there are setback requirements additional to those outlined in the tables to clause 7.3:
   (a) for each additional 3m or part thereof in building length over 18m, an additional building setback to the affected boundary of 0.6m and plus
   (b) for each additional storey over four storeys above ground level, an additional building setback to that storey of 1.5m from all boundaries.

3. The length of the building excludes verandahs, balconies, carports and portions that are integrated into the residential building design and fully open to affected boundaries.

4. No part of a residential building is required to exceed a building setback of 10.5m from any boundary.

5. The consent authority may approve an application for a residential building that is not in accordance with sub-clause 2 only if it is satisfied that the design of the residential building is consistent with the purpose of this clause.

7.3.2 Distance between Residential Buildings on One Site

1. Where more than one building comprising one or two storey residential buildings is located on a site the distance between buildings is to be a minimum of 3m.

2. Where more than one building comprising residential buildings that exceeds two storeys in height is located on a site the distance between buildings is to be a minimum of:
   (a) 3m for walls to non-habitable rooms and habitable rooms without windows or doors; and
   (b) 4.5m for walls with windows or doors to habitable rooms or to a verandah or balcony.

3. For each storey over four storeys, the distance between buildings referred to in sub-clause 2 is measured from a straight line that is half the average distance between the walls of the buildings.

7.3.1 Additional Setback Requirements

Not applicable.

COMPLIES

7.3.2 Distance Between Residential Buildings on One Site

1. Where more than one building comprising one or two storey residential buildings is located on a site the distance between buildings is to be a minimum of 3m.

The minimum setback between the proposed buildings is 3 metres.

COMPLIES
### 7.5 Private Open Space

The purpose of this clause is to ensure that each dwelling has private open space that is appropriately sited, be a minimum of 45m² with minimum dimensions of 5m x 5m and be directly accessible from the dwelling and enable an extension of the function of the dwelling.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Comment</th>
<th>Complies (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Private open space areas should:</td>
<td>The proposal satisfies:</td>
<td>YES</td>
</tr>
</tbody>
</table>
| (a) satisfy the minimum area and dimensions contained in the table to this clause; and | * the 5m x 5m minimum dimension requirement with respect to all dwellings; and  
  * the 45m² total open space area requirement with respect to all dwellings  
  See table below for details |                   |
| (b) be directly accessible from the dwelling and enable an extension of the function of the dwelling | Each private open space area is adjacent to the living room / dining / kitchen of the dwelling and is designed to enable an extension of the function of the dwellings. | YES               |
| 3. Where the private open space is at ground level and other than for a single dwelling, it should be:  
    (a) screen fenced to a height of at least 1.8m providing a visual barrier to adjoining residences and public areas; or | 1.8m high solid metal fencing will be used to screen adjoining private open space areas and property boundaries. | YES               |
| (b) fenced to a height of at least 1.8m and planted with dense vegetation which will provide a visual barrier within 2 years of planting. | N/A                                                | N/A               |
| 4. The location of the private open space areas should take into account views from the site, the natural features of the site and the location of any private open space or habitable room associated with neighbouring dwellings | Private yards to the dwelling are located to the northern side of the dwellings and will enjoy views through to the golf course, although 1.8m high screen fencing to the northern side may limit views. It is expected that there will be some views to the ranges from yards to Units 2-4, with views to the adjoining range from Unit 1. | EXPECTED TO COMPLY |
| 5. If a dwelling within a multiple dwelling development has no direct access at ground level to private open space, the multiple dwelling development should incorporate communal open space. | Each dwelling has direct access at ground level to private open space.  
  Communal open space is therefore not required. | YES               |
| 6.                                                                          | N/A                                                | N/A               |
### Table to Clause 7.5 Minimum Areas of Private Open Space

<table>
<thead>
<tr>
<th>Type of Dwelling</th>
<th>Private Open Space Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single dwellings on a lot of less than 600m²</td>
<td>50m² (exclusive of driveways and parking areas) but inclusive of an area with minimum dimensions of 6m x 6m.</td>
</tr>
<tr>
<td>Multiple dwellings (for each dwelling with direct ground level access)</td>
<td>45m² (exclusive of driveways and car parking areas) but inclusive of an area with minimum dimensions of 5m x 5m.</td>
</tr>
<tr>
<td>Multiple dwellings (for each dwelling without direct ground level access)</td>
<td>12m² inclusive of an area with minimum dimensions of 2.8m x 4m.</td>
</tr>
</tbody>
</table>

Application response to Table to Clause 7.5 Minimum Areas of Private Open Space

<table>
<thead>
<tr>
<th>Unit No.</th>
<th>Proposed Open Space</th>
<th>Complies (YES/NO)</th>
<th>Required Open Space Envelope</th>
<th>Proposed Open Space Envelope</th>
<th>Complies (YES/NO)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Unit 1</td>
<td>~160m²</td>
<td>YES</td>
<td>~14.8m x 7.5m</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Unit 2</td>
<td>~93m²</td>
<td>YES</td>
<td>~10m x 7.5m</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Unit 3</td>
<td>~93m²</td>
<td>YES</td>
<td>~10m x 7.5m</td>
<td>YES</td>
<td></td>
</tr>
<tr>
<td>Unit 4</td>
<td>~104m²</td>
<td>YES</td>
<td>~10.4m x 7.5m</td>
<td>YES</td>
<td></td>
</tr>
</tbody>
</table>

**COMPLIES**

### 7.7 Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation

The purpose of this clause is to ensure that landscaping for hostels, multiple dwellings, and supporting accommodation complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment.

Other than in zones CB, C and TC, not less than 30% (which may include communal open space) of a site that is used for multiple dwellings is to be landscaped.

A landscaped area of approximately 540m² is provided. This equates to ~40% of the site area.

**COMPLIES**
## 7.8 Building Design for Multiple Dwellings, Hostels and Supporting Accommodation

The purpose of this clause is to promote site-responsive designs for hostels, multiple dwellings and supporting accommodation which are pleasant for the occupants and do not unreasonably affect the use and enjoyment of adjacent land.

<table>
<thead>
<tr>
<th>Subclause</th>
<th>Design Requirement</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.8 (2)(a)</td>
<td>Locate development on site for correct solar orientation;</td>
<td>The design provides optimal orientation with limited exposure of western walls to the summer afternoon sun (Unit 4 excepted) and good winter solar access to all dwellings.</td>
</tr>
<tr>
<td>7.8 (2)(b)</td>
<td>Minimise expanses of walls by varying building heights, building setbacks and facades;</td>
<td>The design provides varying wall and roof heights, limiting expanses of wall.</td>
</tr>
<tr>
<td>7.8 (2)(c)</td>
<td>Locate air conditioners where they are accessible for servicing;</td>
<td>Wall-mounted air-conditioning units are proposed. The top of the units is shown at approximately 1.8m above ground level.</td>
</tr>
<tr>
<td>7.8 (2)(d)</td>
<td>Concel service ducts, pipes, air conditioners, air conditioning plants etc;</td>
<td>Proposed boundary fencing is expected to largely screen the units. A condition of any development permit issued could require air conditioners and associated pipes etc to be screened. Additional measures such as selected planting to assist in screening the clothes line and air-conditioner units from adjoining Irampenye Street could be considered.</td>
</tr>
<tr>
<td>7.8 (2)(e)</td>
<td>Avoid overlooking of private open spaces and habitable rooms of adjacent residences on the same and adjacent sites;</td>
<td>The design offers a high degree of visual privacy between adjoining dwellings on the site. Window placement for Unit 4 is expected to minimise any potential for overlooking of private yards to adjoining Lot 9018 Clough Place. Bedroom 3 and 'study nook' windows (first floor) to the southern side of each dwelling have windows with a height of ~1.25m – 2.0m above floor level. Windows are designed to provide views through to Mt Johns (the adjoining section of mountain range). While setback approximately 11m from the boundary of adjoining Lot 10016, the windows may be expected to result in some overlooking of three bedrooms on that property. The proposed landscape plan does not detail proposed species, however strategically selected planting adjacent to the boundary may be expected to assist in ensuring a satisfactory level of privacy (once established). The proposed boundary building setbacks is expected to ensure a satisfactory level of privacy between proposed dwellings and adjoining properties, subject to appropriate species selection.</td>
</tr>
<tr>
<td>7.8 (2)(f)</td>
<td>Locate bedrooms and private open spaces away from noise sources.</td>
<td>The subject lot abuts Stephens Road, but is separated from the carriageway by approximately 22 metres of road reserve and a further 15 metres of drainage reserve. No bedroom windows directly abut driveways or open space.</td>
</tr>
<tr>
<td>7.8 (2)(g)</td>
<td>Control its own noise sources and minimise the transmission of noise between dwellings.</td>
<td>The Statement of Effect identifies that the design: • separates active areas from quiet areas within each dwelling (with suspended slabs at first floor providing sound attenuation); • blockwork 'party wall' separation between adjoining units; • separation of adjoining private yards by 2.1m high fencing. (It is noted that the plans show 1.8m high fencing). Appears generally to comply through unit layout, locations of private open space and use of fencing and landscaping. The proposed dwellings will need to comply with the relevant standards contained in the Building Code of Australia with respect to noise attenuation, health and amenity.</td>
</tr>
<tr>
<td>7.8 (2)(h)</td>
<td>Where close to high noise sources (such as busy roads and airport flight paths), be of appropriate acoustic design and construction.</td>
<td>An Environmental Noise Impact assessment was undertaken as part of the subdivision that created Lot 10017. The Report recommended that lots fronting Stephens Road (including Lot 10017) are constructed in accordance with AS3671</td>
</tr>
</tbody>
</table>
### Construction Category 2 Requirements

<table>
<thead>
<tr>
<th>Clause 7.8 (2)(i)</th>
<th>Balance the achievement of visual and acoustic privacy with passive climate control features</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The application advises that there are a range of passive climate control design features including:</td>
</tr>
<tr>
<td></td>
<td>- winter solar gain to north-facing private open space areas to all units;</td>
</tr>
<tr>
<td></td>
<td>- winter solar gain to north-facing bedrooms (first floor) to all units;</td>
</tr>
<tr>
<td></td>
<td>- optimal orientation/situation; and</td>
</tr>
<tr>
<td></td>
<td>- self-shading of units 2 and 3.</td>
</tr>
<tr>
<td></td>
<td>The design is expected to offer a satisfactory level of privacy to occupants of all dwellings and those of adjoining properties.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 7.8 (2)(j)</th>
<th>Allow breeze penetration and circulation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>The application identifies that the design includes operable windows and sliding doors within northern and southern aspect external walls and an open stair-well facilitating 'controllable breeze penetration, cross ventilation and 'chimney effect'.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 7.8 (2)(k)</th>
<th>Minimise use of reflective surfaces.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Plans describe indicative colours, however colour samples not included.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Clause 7.8 (2)(l)</th>
<th>Provide internal drainage of balconies and coving on the edge of balconies.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Not applicable</td>
</tr>
</tbody>
</table>

### GENERALLY COMPLIES

#### Clause 2.8 (Reference to Guidelines)

The Community Safety Design Guide (the Design Guide) is a reference document to the Planning Scheme. Under the provisions of the Planning Scheme applications for a development must demonstrate consideration of the guide and the consent authority must have regard to the guide.

The application addresses the Design Guide and highlights anumber of positive design responses.

The design is considered to respond positively to a number of aims of the guide by:

- providing good passive surveillance opportunities with windows towards Stephens Road and the driveway as well as a laundry window to Unit 1 that faces Irrampenye Street;
- providing clear sight lines from Irrampenye Street to the front of each dwelling;
- driveway and entry to each unit will have sensor activated lighting.

Some 'open' fencing or lower fencing to part of the northern and eastern boundaries respectively may warrant consideration for further improved passive surveillance opportunities.
AGENDA ITEM: 3  MEETING DATE: 9 October 2013  FILE: PA2013/0649

APPLICATION: 2 x 3 bedroom multiple dwellings in 1 x 2 storey building  
APPLICANT: Zone A Pty Ltd  
LAND OWNER: Ronald Hughes  
LOCATION: Lot 8804, 155 Cromwell Drive, Suburb of Desert Springs, Town of Alice Springs (Attachment A)  
ZONE: MD (Multiple Dwelling Residential)  
AREA: 526m²

1. PROPOSAL

The proposal is to construct 2 x 3 bedroom multiple dwellings in 1 x 2 storey building. A copy of the application is at Attachment B.

2. REASON FOR APPLICATION

'Multiple Dwellings' is a discretionary land use in Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme. The drawings submitted with the application do not fully comply with all performance criteria contained in:

- Clause 6.5.3 (Parking Layout);
- Clause 7.1.1 (Residential Density Limitations);
- Clause 7.3 (Building Setbacks for Residential Buildings); and
- Clause 7.5 (Private Open Space) of the NT Planning Scheme

3. ASSESSMENT SYNOPSIS

This report concludes that the Authority should alter and approve the application subject to conditions on the development permit.

4. BACKGROUND

The property is a vacant lot within Stage 3 of the Cromwell Drive estate (Attachment A3 - Titles issued in 1997), on a site that is zoned MD (Multiple Dwelling Residential). The surrounding zoning regime includes:

- Adjacent residential allotments in Cromwell Drive are within Zone MD;
- Alice Springs Golf Club and Crown land (Lots 8120 and 5782) zoned OR (Organised Recreation) abutting the rear (western) boundary of the site; and
5. PUBLIC EXHIBITION

The application was advertised in the Centralian Advocate on 30 August 2013 and placed on public exhibition for a period of two weeks. No public submissions were received under section 49(1) of the Planning Act.

6. THIRD PARTY APPEAL RIGHTS

Pursuant to section 14(3)(a) of the Planning Regulations, there is no right of appeal by a third party under section 117 of the Planning Act in respect of this determination.

7. MATTERS TO BE TAKEN INTO ACCOUNT (SECTION 51 OF THE PLANNING ACT)

Pursuant to Section 51 of the Planning Act a consent authority must, in considering a development application, take into account a range of matters listed under section 51 of the Act. Comment in relation to relevant matters follows:

(a) any planning scheme that applies to the land to which the application relates

The NT Planning Scheme applies to the land and the site is zoned MD (Multiple Dwelling Residential) under the Scheme.

Clause 5.2 (Zone MD – Multiple Dwelling Residential)
The primary purpose of the zone is to provide for a range of housing options to a maximum height of two storeys. The scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development. The site is a vacant parcel of land located within the subdivision and is therefore considered to be “Greenfield” rather than “infill”. The proposed development of 2 x 2 storey multiple dwellings is considered to be consistent with the zoning purpose of the land.

The proposal has been assessed against Part 4 of the Northern Territory Planning Scheme and a technical assessment is at Attachment C. Discussion is provided on the following aspects of non compliance with the Scheme:

Clause 6.5.3 (Parking Layout)
The NT Planning Scheme defines a “car parking area” as an area set aside for or designated for the parking of three or more motor vehicles. Each unit has been provided with 2 car parking spaces in the form of a double garage under the main roof and a length of driveway of approximately 6m x 8m which could accommodate an additional 2 car parking spaces.

The proposal does not comply with Clause 6.5.3 (Parking Layout) as the manoeuvring bays that form part of the car parking area adjacent to the front boundary (Cromwell Drive) are located approximately 1.4m and 2.4m from the property boundary and is not landscaped to a depth of 3m.

The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose. A car parking area is to be no less than 3m from a road and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area.

The sections of car parking area with reduced setbacks to the Cromwell Drive boundary will be partly screened from the public realm by shrubs. No details of species or quantities of plants were
included with the application. In support of a variation to Clause 6.5.3 (Parking Layout), the proposed landscaping should effectively soften the visual impact of the proposed car park when viewed from the street. Furthermore, the parking layout and landscaping is expected to be visually consistent with other residential developments within Cromwell Drive.

Subject to the receipt of a detailed landscaping plan identifying plant species, a variation to Clause 6.5.3 (Parking Layout) is considered supportable.

Clause 7.1.1 (Residential Density Limitations)
The purpose of this clause is to ensure that residential development is:
(a) of a density compatible with the existing and planned provision of reticulated services and community facilities which will service the area; and
(b) be consistent with land capability.

The application proposes a dwelling density of 1 per 263m$^2$ and therefore exceeds the maximum density of 1 dwelling 300m$^2$ that applies to Zone MD. In support of the requested variation, the application advises that:
- the land is capable of accommodating the dwelling density proposed as it is unconstrained by slope, easements, vegetation and not liable to flooding;
- the proposed footprint, height and floor areas of the building is similar to the existing single dwellings within the immediate area (i.e.: within the subdivision shown on survey plan S97/001);
- reticulated services are available to the land and will be upgraded as required; and
- the development can be comfortably located on the site, in a functional layout, with appropriate landscaping and car parking and the design complies with nearly all other aspects of the NT Planning Scheme.

The site is located in close proximity to the Alice Springs Golf Club, public open space areas and is not expected to be incompatible existing and planned reticulated services. The Power and Water Corporation has not identified any concerns in relation to the capacity to service the proposed development and service authorities have not identified any matters that cannot otherwise be addressed through standard conditions of approval.

The site is level and is not liable to flooding in a defined flood event. No land capability concerns have been identified.

It is considered that the proposed development is consistent with the purpose of clause 7.1.1.

The design is considered to be consistent with the Zone MD policy statement: "the scale, character and architectural style of infill development should be compatible with the streetscape and surrounding development". The development has been assessed as being mostly compliant (or able to be altered through design amendments to be compliant) with all other objectives contained in Part 4 of the NT Planning Scheme. The proposed building height and architectural style is considered compatible with adjacent and nearby developments.

Clause 7.1.2 (Residential Height Limitations)
The purpose of this clause is to ensure that residential development is of a height that:
(a) is compatible with adjoining or nearby existing development or development reasonably anticipated; and
(b) does not unduly overlook adjoining properties.
The height of any point of a residential building is to be measured from ground level vertically below that point and includes the height of a mound specifically provided or made to elevate the building. Zone MD allows for development up to two storeys to a maximum height of 8.5m.

The statement of effect notes that the proposed two storey dwellings will be a maximum of 7.85m above the current natural surface level of the site. No cross sections of the proposed development were supplied with the application – it is recommended that the Authority seek this information to verify that the building will be no higher than 8.5m above “ground level” of the site and show the relationship between the existing and finished ground levels of the site and the finished floor levels and apex height of the building.

The height of the existing single dwelling on adjacent Lot 8805 (to the north) is approximately 8.9m above ground level, windows of that dwelling facing the subject site are mostly opaque glass. No undue overlooking issues have been identified.

Lot 8803 (the adjacent site to the south) is developed with a single storey dwelling (~4.5m high), the windows of bathroom and bedroom 4 face the subject site, the bathroom windows are opaque glass and the bedroom window is orientated towards the proposed stairwell and bathroom windows of proposed Unit 2 on Lot 8804.

Clause 7.3 (Building Setbacks for Residential Buildings)
The proposed development will require variations to this clause to allow the nib firewall between the two dwellings to be setback 5m from the front boundary instead of the required 6m and 0.0m to the rear boundary instead of the required 1.5m.

The purpose of this clause is to ensure residential buildings and structures without external walls are located so:

- they are compatible with building setbacks of adjacent buildings and with the streetscape and surrounding development including residential buildings on the same site;
- as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
- as to avoid undue overlooking of adjacent properties; and
- as to encourage breeze penetration through and between buildings.

The Authority may wish to consider the following matters in terms of whether there are “special circumstances” to justify the granting of the required variation to the minimum building setback distance to the front boundary:

- the irregular shape of the site constrains the ability to fully comply with all setback requirements;
- The non complying setbacks relates to a 0.19m wide nib wall and in the context of the overall development of the site the reduced setbacks are considered to be minor;
- The walls are design features that provide visual interest to the proposed dwellings when viewed from the street and adjacent land and assist with privacy screening between the two dwellings;
- The rear wall is visually consistent with the existing boundary fence between Lot 8804 and 8805 and will also service as private open space screening between Unit 1 and Unit 2;
- The development is consistent in terms of building footprints and aesthetics of other dwellings in the immediate area;
- all other building setback distances of the multiple dwellings comply with this clause.
Clause 7.5 (Private Open Space)

The purpose of this clause is to ensure that each dwelling has private open space that is:

(a) appropriately sited; and
(b) of an adequate size to provide for domestic purposes.

Both dwellings exceed the 5m x 5m dimension and 45m² area requirements for private open space. Each of the private open space areas are accessed at ground level from the lounge room of the respective dwelling and enable an extension of the function of the dwelling. The balcony areas maximise views towards the MacDonnell Ranges and are not expected to create any adverse overlooking issues to adjacent dwellings.

The drawings do not demonstrate that the rear boundary of the private open space areas will be either:

a) screened 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.

Subject to the receipt of an amended drawing showing appropriate fence screening to the rear boundary of private open space areas, the development will comply with all aspects of this clause.

Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation)

The purpose of this clause is to ensure that landscaping for multiple dwellings complements and enhances the streetscape, is attractive and pleasant and contributes to a safe environment.

The applications statement of effect asserts that over 30% of the site is to be landscaped and the site plan shows planting at the front of the site and paved private open space areas, there are no existing trees on the site. No details of heights, species or quantities of proposed plants are shown on the drawings.

It is recommended that any approval issued includes a condition requiring submission of a suitably amended site plan addressing the objectives and criteria contained in Clauses 6.12 and 7.7 of the Scheme.

(b) any proposed amendments to such a planning scheme:
   (i) that have been or are on exhibition under Part 2, Division 3;
   (ii) in respect of which a decision has not been made under Part 2, Division 5; and
   (iii) that are relevant to the development proposed in the development application

There are no proposed amendments to the Northern Territory Planning Scheme which affect this proposal.

(c) an interim development control order, if any, in respect of the land to which the application relates

There are no interim development control orders relevant to the site.

(d) an environment protection objective within the meaning of the Waste Management and Pollution Control Act that is relevant to the land to which the application relates

There are no environmental protection objectives relevant to the land.
(e) any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application

No public or local authority submissions were received.

(f) a matter that the Minister has, under section 85, directed it to consider in relation to development applications generally

The Minister for Lands, Planning and the Environment has made no direction in relation to the application.

(g) if a public environmental report, or an environmental impact statement, has been prepared or is required under the Environmental Assessment Act in relation to the proposed development — the report or statement and the results of any assessment of the report or statement under that Act by the Minister administering that Act

The proposed development is not subject to any public environmental report or environmental impact statement prepared under the Environmental Assessment Act.

(h) the merits of the proposed development as demonstrated in the application

The application does not demonstrate any particular merits beyond what is expected for a development of this nature and the use is consistent with the purpose of the MD zone.

(j) 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

There are no physical characteristics that would impact on the land's ability to accommodate residential development at the density proposed.

(k) the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer

It is not a requirement that this development provides additional facilities or open space for public use. The application identified public open space and community facilities that are available within the Cromwell Drive locality.

(m) the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose

The proposal was circulated to the relevant service authorities for comment. Their responses are summarised below:

Alice Springs Town Council (ASTC)
The Alice Springs Town Council comment (Attachment D) did not identify any objections or areas of concern in relation to the proposal. Council has requested standard conditions that could address normal vehicle access, sight line and stormwater drainage requirements.
Council's has requested a monetary contribution towards any calculated shortfall in car parking spaces. The development complies with Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme and the site is not located within the boundaries of the Alice Springs Town Council's Parking Contribution Plan area.

Council did not raise any other issues that cannot be addressed through standard conditions of a development permit or Council by-laws.

Power and Water Corporation (PAWC)
The Power and Water Corporation raised the following comments (Attachment E) for consideration:

Electricity: advised of no objections in respect to power supply subject to its requirements being addressed by standard conditions of any development permit issued including that:
- the developer needs to submit an overall maximum power demand calculation to PAWC for assessment;
- multi metering is required for all new multiple dwelling developments where each dwelling is detached;
- the site is currently provided with a limited capacity of electricity supply and any new development that requires additional power supply is subject to direct negotiation with PAWC.

Water and Sewerage advised that:
- reticulated water and sewerage services are available and the subject site is currently serviced;
- the developer will need to upgrade the existing 20mm water service to the site to 40mm;
- a backflow prevention device may need to be installed to the outlet of the water meter;
- WASSEP charges may apply for the development and the developer should contact the PAWC for further information;
- The developer may need to upgrade the existing sewer service to the property;

In response to the Power and Water Corporations comments, a standard condition of approval has been included in the recommendations section of this report.

\( (n) \) the potential impact on the existing and future amenity of the area in which the land is situated

The application is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential). No potential adverse impacts on the amenity of adjacent residents through undue overlooking, overshadowing were identified during public exhibition or the assessment of the application. The proposal is considered appropriate for the site and locality, and is not considered to result in any detrimental amenity impact on the surrounding area. Consideration has been given to the streetscape and existing developments in the locality. For the above reasons, the proposed development is not expected to negatively impact on the existing and future amenity of the area.

\( (p) \) the public interest, including (if relevant) how the following matters are provided for in the application:

(i) community safety through crime prevention principles in design;
The Community Safety Design Guide is a reference document to the Planning Scheme. Under the provisions of the Planning Scheme applications for a development must demonstrate consideration of the Guide and the consent authority must have regard to the guide.

In general, the proposal appears to satisfy some of the aims of the guide by:

- not including any solid fencing to the front boundary;
- including balconies that have been designed to overlook to public realm (Cromwell Drive and the Alice Springs Golf Course) thereby maximising opportunities for passive surveillance from the site.

(ii) water safety;

No swimming pools or spas are proposed to be constructed on the site.

(iii) access for persons with disabilities

It is envisaged that a building certifier will need to scrutinise these matters prior to any approvals under the Building Act being issued.

(q) for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building)

Under current legislative requirements (Unit Title Schemes Act) any proposal to unit title the completed development will require a separate formal application (and approval) for subdivision.

(r) 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

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

(s) any beneficial uses, quality standards, criteria, or objectives, that are declared under section 73 of the Water Act

None declared.

(t) other matters it thinks fit

None.

8. RECOMMENDATION

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations) and Clause 7.3 (Building Setbacks for Residential Buildings) 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 8804, 155 Cromwell Drive, Suburb of Desert Springs, Town of Alice Springs for the purpose of 2 x 3 bedroom multiple dwellings in 1 x 2 storey building, subject to the following conditions:
CONDITIONS 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 submitted with the application but modified to show:
   (a) A cross-section of the dwellings showing the relationship between existing and finished ground levels, floor levels and the apex height of the building. The apex height of the building above ground level is to be labelled on the drawings;
   (b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
   (c) 1.8m high (above finished ground level) fencing to private open space boundaries that complies with the screening requirements specified in Clause 7.5(3) of the NT Planning Scheme;
   All plant species selected must be to the satisfaction of the consent authority due regard must be given to the 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. 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 and driveways must be kept available for these purposes at all times.

4. 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.

5. Protective kerbs (of a minimum height of 150mm) 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 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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development.
shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

9. 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.

10. Stormwater 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.

11. All air conditioning condensers 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.

12. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. 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. 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. 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. 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.
9. REASONS FOR THE RECOMMENDATION

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 proposal is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the two storey design and building setbacks are considered compatible with the streetscape and surrounding development.

2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for parts of a car parking area to be located less than 3m from a street boundary and not landscaped to a depth of 3m is considered satisfactory in this instance as the proposed design is considered to be functional, maintains sight lines and the landscaping proposed is expected to provide effective screening of that part of the car parking area from the public realm, thereby lessening the visual impact of the car park when viewed from the street.

3. 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;
   - The site responsive design of the dwellings will comply with or exceed nearly all other performance criteria of the NT Planning Scheme relevant to multiple dwelling use. The design is compatible with the architectural style, site coverage, heights, setbacks and landscaping of other residential 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 and development catering for a growing population maximising options for urban infill”.

4. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the outer surface of the nib fire wall of the dwellings to be setback 5m from the front boundary instead of the minimum 6m and 0.0m from the rear boundary. Instead of the required 1.5m is granted as:
   - special circumstances are identified through the irregular shape of the land and the design response which reflects the irregular shape;
   - The walls are design features that provide visual interest to the proposed dwellings when viewed from the street and adjacent land and assist with privacy screening between the two dwellings;
   - The rear wall is visually consistent with the existing boundary fence between Lot 8804 and 8805 and will also service as private open space screening between Unit 1 and Unit 2;
   - The development is consistent in terms of building footprints and aesthetics of other dwellings in the immediate area;
   - the proposed multiple dwelling development is otherwise compliant with (or exceeds) all other minimum building setback distances prescribed by Clause 7.3 of the Scheme.

5. Pursuant to section 51(h) of the Planning Act the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional modern residential accommodation.

6. 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 multiple dwelling development is located within Zone MD (Multiple Dwelling Residential), adds to the variety of housing options in the locality and is likely to positively contribute to the future amenity of the area and landscaping will soften the development's impact to the street.

7. 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 proposed balconies overlook Cromwell Drive and the Golf Course 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.

8. The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site and minimise potential impacts on the adjoining streets and properties.

9. The application was publicly exhibited in accordance with the Planning Act and Planning Regulations. No public submissions were received.

REPORT PREPARED BY DEVELOPMENT ASSESSMENT SERVICES

AUTHORISED:  

REGIONAL DIRECTOR SOUTH 
DEPARTMENT OF LANDS, PLANNING AND THE ENVIRONMENT
2012 aerial photograph of Lot 8804, Cromwell Drive

2008 photograph of site
TECHNICAL ASSESSMENT OF PROPOSED DEVELOPMENT AGAINST RELEVANT PROVISIONS OF THE NORTHERN TERRITORY PLANNING SCHEME

Lot number: 9043 (90) Todd Street
Town/Hundred: Alice Springs
Zone: CB
Site Area: 2010m²
Proposal: Additions and alterations to an existing restaurant in a single storey building

Restaurant is a discretionary use in Zone CB (Central Business) and subject to the following provisions:

- Clause 5.7 Zone CB (Central Business)
- Clause 6.1 (General Building Heights)
- Clause 6.2 (Building Heights in Alice Springs)
- Clause 6.5.1 (Parking Requirements)
- Clause 6.5.3 (Parking Layout)
- Clause 6.6 (Loading Bays)
- Clause 8.1.2 (Offices, Restaurants and Shops in Zone CB)
- Clause 8.2 (Commercial and Other Development in Zone CB)

This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.
5.7 **Zone CB – Central Business**

1. The primary purpose of Zone CB is to provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities.

2. Building form and design is expected to be sensitive to the needs of pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

The proposed development is considered to be considered to respond positively to the provision.

6.2 **Building Heights in Alice Springs**

### 6.1 General Height Control

1. The purpose of this clause is to ensure that the height of buildings in a zone is consistent with development provided for by that zone.

2. This clause does not apply within Zones CD or DV or TC or to education establishments within zones CL or CP or, subject to clause 7.1, Zone C.

3. The height of any point of a building is to be measured from ground level vertically below that point and includes the height of any ground specifically provided or made to serve the building.

4. Unless expressly provided by this Planning Scheme, the height of any part of a building is to exceed 8.5m above the ground level, unless it is:
   
   a) a flag pole, aerial or antennas; or
   
   b) for the housing of equipment relating to the operation of a television.

5. The consent authority must not consent to development that is not in accordance with this clause.

### 6.2 Building Heights in Alice Springs

1. The purpose of this clause is to maintain the low-rise character of development in Alice Springs.

2. Despite anything to the contrary in this Planning Scheme, the height of a building within the Municipality of Alice Springs is not to exceed the height specified in the table to this clause except for education establishments in Zone CP.

3. The height of any building or structure forming part of an education establishment is not to exceed three storeys or 14m above ground level.

4. The height of a building is to be determined as in clause 6.1.

5. The consent authority must not consent to development that is not in accordance with this clause.

<table>
<thead>
<tr>
<th>TABLE TO CLAUSE 6.2</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Zone</td>
<td>Height Limitation</td>
</tr>
<tr>
<td>CB, C, GC, TC and MR</td>
<td>3 storeys to a maximum of 14m</td>
</tr>
<tr>
<td>All other zones</td>
<td>2 storeys to a maximum of 8.5m</td>
</tr>
</tbody>
</table>

COMPLIES
6.5.1 Parking Requirements

6.5 Vehicle Parking

6.5.1 Parking Requirements

1. The purpose of this clause is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site.

2. Subject to clause 6.5.2, if a use or development specified in column 1 of the table to this clause is proposed, the number of car parking spaces (rounded up to the next whole number) required for that use or development is to be calculated in accordance with the formula specified opposite in column 2 or, if the use or development is within Zone CB in Darwin, column 3.

3. If a proposed use or development which is not listed in the table to this clause requires consent, the number of car parking spaces required for that use or development is to be determined by the consent authority.

4. A car parking area is to be designed in accordance with clause 6.5.3.

<table>
<thead>
<tr>
<th>Use/Development</th>
<th>Formula</th>
<th>Required Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Restaurant</td>
<td>6 for every 100m² of net floor area and any alfresco dining areas plus 10 for drive-through (if any) for cars being served or awaiting service</td>
<td>3 for every 100m² of net floor area and any alfresco dining areas</td>
</tr>
</tbody>
</table>

Required car parking

<table>
<thead>
<tr>
<th>Required Space Calculation</th>
<th>Proposed Parking</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 spaces/100m² + 10 spaces for drive-through</td>
<td>27 spaces</td>
<td>Complies</td>
</tr>
<tr>
<td>Net Floor area = 226m²</td>
<td>= 13.56 spaces</td>
<td>Rounded up = 14 spaces + 10 spaces = 24 spaces</td>
</tr>
</tbody>
</table>

COMPLIES
6.5.3 Parking Layout

1. The purpose of this clause is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

2. A car parking area is to be established, used and maintained for the purpose of vehicle parking only.

3. A car parking area is to:
   (a) be of a suitable gradient for safe and convenient parking;
   (b) be sealed and well drained;
   (c) be functional and provide separate access to every car parking space;
   (d) limit the number of access points to the road;
   (e) allow a vehicle to enter from and exit to a road in a forward gear;
   (f) maximise sight lines for drivers entering or exiting the car parking area;
   (g) be not less than 3m from a road, and the area between the car parking area and the road is to be landscaped with species designed to lessen the visual impact of the car parking area;
   (h) be in accordance with the dimensions set out in the diagram to this clause;
   (i) have driveways with a minimum width of 6m for two-way traffic flow or 3.5m for one way traffic flow; and
   (j) be designed so that parking spaces at the end of and perpendicular to a driveway be either 3.5m wide or so that the driveway projects 1m beyond the last parking space.

The parking layout is proposed to be altered by the removal of 1 parking bay adjacent to the proposed loading bay to facilitate staff access to the back of the restaurant. The parking layout is otherwise consistent with the layout approved by Development Permit DP06/0083.

The application does not include a detailed landscaping plan. Landscaping should be maintained to in accordance with the landscape plan endorsed as part of DP06/0083. Changes to the previously approved landscape plan should respond positively to clause 6.5.3(g) in terms of lessening the visual impact of the parking area.

EXPECTED TO COMPLY, SUBJECT TO A SUITABLE LANDSCAPE PLAN
6.6 **Loading Bays**

**6.6 Loading Bays**

1. The purpose of this clause is to provide for the loading and unloading of vehicles associated with the use of land.

2. A general industry, hospital, hotel, licensed club, light industry, motel, office, restaurant, shop, showroom sales, transport terminal or warehouse use or development on a site must provide areas wholly within the site for loading and unloading of vehicles at the ratio of:

   (a) if for a general industry, hospital, hotel, licensed club, light industry, motel, showroom sales, transport terminal or warehouse use or development:

   i. 1 loading bay for a single occupation of a net floor area of 10,000 m² or less; and

   ii. 1 loading bay for every 5,000 m² of net floor area or part thereof in excess of 10,000 m²; or

   (b) if for an office, restaurant or shop use or development, 1 loading bay for every 2,000 m² of the total net floor area.

3. A loading bay is to:

   (a) be at least 7.5m by 3.5m;

   (b) have a clearance of at least 4m; and

   (c) have access that is adequate for its purpose.

The proposed site layout includes a loading bay and complies with clause 6.6.2(b)

**COMPLIES**

8.12 **Offices, Restaurants and Shops in Zone CB**

8.1.2 **Offices, Restaurants and Shops in Zones CB and C**

1. The purpose of this clause is to permit the change between the nominated uses of premises within Zone CB or Zone C without consent.

2. Where land is Zoned CB and there is in place a developer contributions plan for car parking under the Planning Act, premises that are lawfully used for an office, restaurant or shop may be used without consent for any one of those uses if the net floor area and any other area occupied by the use does not increase.

3. Where land is Zoned C and there is in place a developer contributions plan for car parking under the Planning Act, premises that are lawfully used for a restaurant or shop may be used without consent for a restaurant or shop if the net floor area and any other area occupied by the use does not increase.

The application does not propose any change from the established restaurant use.

**NOT APPLICABLE**
### 8.2 Commercial and Other Development in Zone CB

#### Sub-clause Comment

1. **The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.**

2. **The design of buildings in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T should:**
   - (a) preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;
   - (b) be sympathetic to the character of buildings in the immediate vicinity;
   - (c) minimise expanses of blank walls;
   - (d) add variety and interest at street level and allow passive surveillance of public spaces;
   - (e) maximise energy efficiency through passive climate control measures;
   - (f) conceal on-site noise sources and minimise noise intrusion;
   - (g) provide for loading and unloading of delivery vehicles and for refuse collection;
   - (h) provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;
   - (i) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and
   - (j) provide bicycle access, storage facilities and shower facilities.

3. A development application must in addition to the matters described in sub-clause 2, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.

<table>
<thead>
<tr>
<th>Sub-clause</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>The purpose of this clause is to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment.</strong></td>
<td></td>
</tr>
<tr>
<td>2. <strong>The design of buildings in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T should:</strong></td>
<td></td>
</tr>
<tr>
<td>(a) preserve vistas along streets to buildings and places of architectural, landscape or cultural significance;</td>
<td>Complies</td>
</tr>
<tr>
<td>(b) be sympathetic to the character of buildings in the immediate vicinity;</td>
<td>Complies</td>
</tr>
<tr>
<td>(c) minimise expanses of blank walls;</td>
<td>The proposed replacement of an open service yard (fenced) with an addition to the existing building does not raise any concerns in relation to building massing.</td>
</tr>
<tr>
<td>(d) add variety and interest at street level and allow passive surveillance of public spaces;</td>
<td>No significant change from development as approved through DP06/0083 and previous permits.</td>
</tr>
<tr>
<td>(e) maximise energy efficiency through passive climate control measures;</td>
<td>No significant change from development as approved through DP06/0083 and previous permits.</td>
</tr>
<tr>
<td>(f) control on-site noise sources and minimise noise intrusion;</td>
<td>No significant change from development as approved through DP06/0083 and previous permits.</td>
</tr>
<tr>
<td>(g) conceal service ducts, pipes, air conditioners, air conditioning plants etc;</td>
<td>The application notes that all existing air-conditioners and refrigeration units are on the roof, limiting noise, by directing it up.</td>
</tr>
<tr>
<td>(h) minimise use of reflective surfaces;</td>
<td>No significant change from development as approved through DP06/0083 and previous permits.</td>
</tr>
<tr>
<td>(i) provide safe and convenient movement of vehicles and pedestrians to and from the site;</td>
<td>No change from development as approved through DP06/0083 and previous permits.</td>
</tr>
<tr>
<td>(j) provide convenient pedestrian links (incorporating access for the disabled) to other buildings and public spaces;</td>
<td>No significant change from development as approved through DP06/0083 and previous permits. The development includes a toilet and parking bay for persons with disabilities.</td>
</tr>
<tr>
<td>(k) provide protection for pedestrians from sun and rain;</td>
<td>No change from development as approved through DP06/0083 and previous permits. The development includes shaded outdoor seating.</td>
</tr>
<tr>
<td>(l) provide for loading and unloading of delivery vehicles and for refuse collection;</td>
<td>The application proposes a purpose built dumpster storage and a loading bay. Complies</td>
</tr>
<tr>
<td>(m) provide landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking;</td>
<td>The application does not include a detailed landscaping plan. Landscaping should be maintained in accordance with the landscape plan endorsed as part of DP06/0083. Changes to the previously approved landscape plan should respond positively to clause 8.2.2(m) in terms of lessening the visual impact of the parking area.</td>
</tr>
<tr>
<td>(n) provide facilities, including public toilets, child minding facilities, parenting rooms and the like where the size of the development warrants such facilities; and</td>
<td>The proposal retains existing staff and public toilet facilities.</td>
</tr>
<tr>
<td>(o) provide bicycle access, storage facilities and shower facilities.</td>
<td>The proposed layout includes 3 bicycle racks and includes a small staff room, but no shower facilities.</td>
</tr>
</tbody>
</table>

3. A development application must in addition to the matters described in sub-clause 2, demonstrate consideration of and the consent authority is to have regard to the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.

No significant change from development as approved through DP06/0083 and previous permits. The proposed dumpster building will remove an open (fenced) enclosure that could be used for concealment. No concerns are identified.

EXPECTED TO COMPLY, SUBJECT TO A SUITABLE LANDSCAPE PLAN
Todd Street Tourism Area Plan

The Todd Street Tourism Area Plan is an applicable Area Plan under the Planning Scheme. The proposed works are of a minor nature and are not expected to contravene any direction provided by the Plan.

14.4.3 Todd Street Tourism Area Plan

Legend

Commercial
Residential
Transport
Tourist and Civic Precincts
Parklands
District Flood Area

Buildings and other structures above flood level for flood protection purposes

Todd Street Tourism Area Plan
This is a technical assessment of the proposal against the requirements of the Northern Territory Planning Scheme and is no indication of whether or not approval will be given by the Development Consent Authority. It is noted that clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme allows the Development Consent Authority discretion to vary standards only where special circumstances justify the giving of consent or impose a condition requiring a higher standard if it considers it necessary to do so.

The Northern Territory Planning Scheme applies to the land. The land is within Zone SD (Single Dwelling Residential) under the Scheme. The application seeks consent to unit title the multiple dwelling development (5 dwellings) deemed existing and approved by the DCA through Alteration Permit AP12/0002. A letter of compliance has been issued for this permit.
In accordance with Clause 2.6 (Subdivision of Land) of the NT Planning Scheme, the subdivision of land requires consent subject to relevant provisions of Part 5 (Clause 11.0 Subdivision) of the Scheme. Below is an assessment of the application against the relevant sections of Part 5 of the Scheme.

**Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme)**

The purpose of this clause is to ensure that:
(a) the new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;
(b) older developments are upgraded; and
(c) development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.

**Clause 11.1.4.2**
Subject to sub-clauses 3, 4, 5 and 8 a subdivision to create a unit title scheme should meet the requirements of Part 4 of the planning scheme and in particular:
(a) all car parking provided as a requirement of a development must be available at all times for the use of the occupants of the development and their visitors or clients and be included:
   i. in common property; or
   ii. as part of the area under the title for the individual units;

(b) any loading bays provided for:
   i. common use must be in common property; and
   ii. the sole use of an individual unit must be in the entitlement of that unit;

(c) any areas set aside for the communal storage and collection of garbage and other solid waste must be included in common property;

(d) any private open space associated with a dwelling must be included in the unit entitlement of that dwelling; and

(e) any communal facilities and amenities or open space provided for hostels, multiple dwellings and supporting accommodation must be included in common property.

Further information required - According to the submitted survey plan, the intention appears to be for the car parks to be included as part of the title area for each multiple dwelling. Car parks have not been assigned to units.

Generally Complies – More information required
- It is unclear whether the storage areas are intended to be communal or assigned to units. The submitted survey plan does not have labels indicating which areas allocated to which units.

Complies

Generally Complies – More information required
- There is no requirement to provide a loading bay for a multiple dwelling development.

Complies

Complies

Complies, no communal open space provided

Complies - Alteration Permit AP12/0002 granted consent to the multiple dwelling development.

Not applicable

Complies – The proposed unit lots 2 to 5 encroach into an easement (effluent disposal) vested in Power and Water Corporation.

Not applicable

Not applicable

Not applicable

**FURTHER INFORMATION REQUIRED**
ALICE SPRINGS HOSPITAL COGENERATION PROJECT

REQUEST FOR VARIATION TO DEVELOPMENT PERMIT DP11/0742
AND APPROVED DOCUMENTS

EXPLANATORY STATEMENT

19 September 2013

Background Information
Cogeneration systems use a single energy input to produce multiple energy outputs and, as such, offer significant energy and greenhouse gas saving opportunities.

In Alice Springs Hospital's (ASH's) cogeneration system, natural gas will be used to generate more than sixty per cent of the hospital's electricity - which will save the hospital many hundreds of thousands of dollars each year in electricity costs.

The generator's exhaust heat will be used to produce 40 per cent of the hospital's steam — used for sterilisation, hot water, heating, cooking and in the laundry. This essentially 'carbon and cost free' steam will reduce ASH’s greenhouse gas emissions equivalent to a 9,500 panel solar farm (a 20% carbon footprint reduction).

As the cogeneration plant has to be close to core hospital engineering services, a feasibility study found that the only location that would work for the project was a triangle of land adjacent to Gap Road.

To manage the impact of the project on the community, the Development Permit (DP11/0742) conditions included that plant noise emissions are to be no greater than background noise levels at the closest residential units and that drawings demonstrating the project's aesthetics need to approved.

Some issues have become apparent during the commissioning phase of the project and authority is requested to vary:

- The Noise Criteria,
- The Noise Environmental Management Plan, and
- Site Aesthetics.
The Original Noise Criteria

In consultation with the Department of Natural Resources, Environment, The Arts and Sport (NRETAS), it was agreed that the operational noise criteria, for the cogeneration unit's contribution to noise at the nearest residential units, would be set at the background (LA90) noise level.

To apply a numerical value to this criteria, in the absence of specific Northern Territory noise assessment and monitoring guidelines, the NSW Industrial Noise Policy is recommended by Sinclair Knight Merz (SKM). This policy states that, where there is a high risk of noise impact at a receiver, monitoring should cover at least a one week period to establish background noise levels.

The original, numerical, cogeneration noise criteria of 35 dB(A) was based on night time background noise measurements undertaken in a study by VDM Consulting. These noise measurements were undertaken over 2 days only, three years ago, over the weekend of 21-22 August 2010:

<table>
<thead>
<tr>
<th>Assessment Period</th>
<th>VDM Consulting's August 2010 Background Noise Monitoring Results</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>42 dB(A)</td>
</tr>
<tr>
<td>Evening</td>
<td>41 dB(A)</td>
</tr>
<tr>
<td>Night</td>
<td>35 dB(A)</td>
</tr>
</tbody>
</table>

Based on the background noise measurements, VDM Consulting recommended project operational noise limits of:

<table>
<thead>
<tr>
<th>Assessment Period</th>
<th>VDM Consulting's Recommended Noise Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>48 dB(A)</td>
</tr>
<tr>
<td>Evening</td>
<td>46 dB(A)</td>
</tr>
<tr>
<td>Night</td>
<td>39 dB(A)</td>
</tr>
</tbody>
</table>

Current Background Noise Levels

Recent measurements by SKM, carried out over a week from 7 – 15 August 2013, and assessed according to the NSW Industrial Noise Policy methodology, indicate that current background noise levels are:

<table>
<thead>
<tr>
<th>Assessment Period</th>
<th>SKM’s August 2013 Monitoring Results -Residual Background Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day</td>
<td>48 dB(A)</td>
</tr>
<tr>
<td>Evening</td>
<td>46 dB(A)</td>
</tr>
<tr>
<td>Night</td>
<td>41 dB(A)</td>
</tr>
</tbody>
</table>

The SKM Background Noise Monitoring Report (Attachment A of the submitted revised Noise Environmental Management Plan) further details the recent background noise monitoring results and states:

"The (noise monitoring) unit was also programmed to save audio files of the monitoring period, which were used to determine the nature of dominant noise sources during the monitoring period... Night time LA90 noise levels showed little variation throughout the week, and ranged from 39 dB(A) to 42 dB(A). These levels are expected to reflect the noise from traffic on the Stuart Highway and other sources in the vicinity of Gap Road...

During commissioning, attended measurements at the boundary of the Gap Road residences also indicated similar noise levels to those from the unattended monitoring."

SKM's higher background noise measurements, compared to VDM Consulting's 2010 results, could be a result of the longer monitoring period and increases in traffic in the vicinity.
Proposed Noise Criteria

Given that background noise levels have been found to be 5-6 dB(A) higher than those reported in 2010, to reflect the intent of the original noise criteria, and to ensure that the project noise criteria is equitable and achievable, the following revision is proposed:

The operational noise criteria is that the cogeneration plant $L_{A90/15}$ noise level is not to exceed the following noise levels at the nearest Gap Road residential units:

<table>
<thead>
<tr>
<th>Assessment Period</th>
<th>Rating Background Level</th>
</tr>
</thead>
<tbody>
<tr>
<td>Day (7am-6pm)</td>
<td>48 dB(A)</td>
</tr>
<tr>
<td>Evening (6pm-10pm)</td>
<td>46 dB(A)</td>
</tr>
<tr>
<td>Night (10pm-7am)</td>
<td>41 dB(A)</td>
</tr>
</tbody>
</table>

Section 5 of the SKM Background Noise Monitoring Report states that the NSW Industrial Noise Policy recommends that project noise goals allow an additional 5 dB(A) on top of background noise levels. This implies that, in NSW, the day, evening and night project noise criteria would be 53 dB(A), 51 dB(A) and 46 dB(A) respectively.

The Noise Environmental Management Plan’s Glossary illustrates the impact of small increases in loudness and provides some examples of noises at different decibels:

LOUDNESS  
"The smallest change that can be readily heard is approximately 2dB. An increase beyond 5dB is considered to represent the level at which a change in loudness begins to be clearly perceived."

DECIBELS (dB) EXAMPLES

- 30 dB  quiet library or quiet location in the country
- 40 dB  living room
- 50 dB  typical office space or ambient in the city at night
- 60 dB  normal conversational speech
- 70 dB  a car passing by
Site Aesthetics

It has become apparent, through the cogeneration plant commissioning process, that the cogeneration equipment is emitting more noise than expected and further acoustic measures are required.

Early noise modelling was based on acoustic data, measured in ideal, indoor test bed conditions and provided by suppliers for each component of the system.

The higher than anticipated equipment noise levels could be attributable to factors such as noise reflection from nearby buildings (for example the new ASH Emergency Department) in a complex outdoor environment.

The original plant design included acoustic insulation of the engine enclosure, acoustic air intake louvres and an exhaust muffler. To further reduce noise emissions, the contractor has upgraded air flow paths and fan sizing; built an enclosure for the cooling water pumps; and improved how the engine enclosure sits on the slab.

During early discussions regarding possible Development Approval requirements, stakeholders raised the potential for a wall along the site fence line to improve aesthetics and reduce noise emissions. At the time, however, the ‘industrial aesthetic’ of the site (refer attached photos) was accepted as two large, planned, Power and Water Corporation Ring Main Units would obstruct, and not be covered by, a wall nor be subject to development approval.

An alternative location for the Ring Main Units has now been identified.

To help ensure the project can meet the proposed Noise Criteria, the contractor wishes to construct a 4 metre high wall along the fence line with an additional 1 metre, 30° angled return on top (away from street) – as illustrated in the submitted Drawing B11-10561 Variation Sketch.

SKM’s acoustic modelling has recently been calibrated with actual, on-site equipment noise measurements. The modelling predicts that the proposed wall along the site boundary is the lowest height that, if combined with further plant improvements, can attenuate the equipment noise sufficiently to allow the proposed project Noise Criteria to be met. An additional 2.4m lightweight wall, adjacent to the radiators, may also be required.
Variations To Be Approved

1. It is requested that Development Permit Condition 3 (b) be varied from:

   *Noise emissions are not to exceed current ambient noise levels identified in the SKM Noise Assessment Report dated 2 November 2010 as a result of the use.*

   to

   *The operational noise criteria is that the cogeneration plant $L_{A90}$ (15 minute) noise level is not to exceed the following noise levels at the nearest Gap Road residential units:*

<table>
<thead>
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<th>Assessment Period</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Day (7am – 6pm)</td>
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</tr>
<tr>
<td>Night (10pm-7am)</td>
<td>41 dB(A)</td>
</tr>
</tbody>
</table>

2. It is requested that the submitted revision of the Noise Environmental Management Plan be approved.

   Changes to the previously submitted document include:
   - The updated Noise Criteria (Section 3);
   - A clarification in Section 3 that the cogeneration unit’s contribution to noise at the Gap Road residential units can be reverse engineered from “plant on” and plant off’ measurements;
   - Addition of a Glossary of Acoustic Terms; and
   - Replacement of an attached SKM report with a more recent one that provides details of the recent background noise monitoring results.

3. It is also requested that variations to the site plan and elevation drawings, as illustrated in the submitted Drawing B11-10561 Variation Sketch, are approved.

Contact

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Telephone: 8999 2917 or 0439 738 143
Department of Health is a Smoke Free Workplace
1 metre section added to top of wall - angled away from street to reduce visual impact whilst performing noise attenuation function.

Possible addition 2.4 metre light weight wall to absorb radiator noise.

4 metre high rendered havel or equivalent wall, light ochre colour, to replace fence (nominaly 20 m length)

Educational sign