



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 232 – WEDNESDAY 9 MAY 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Alistair Feehan,
Marli Banks

APOLOGIES: Jamie De Brenni,

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Fraser Cormack,
Julie Driver, Simon McKee

COUNCIL REPRESENTATIVES: Scott Allen and Kristine Capangpangan

Meeting opened at 10:00 am and closed at 12:20pm

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

ITEM 1 FURTHER CONSIDERATION - CHANGE OF USE - PART OF BUILDING – LIGHT INDUSTRY TO LEISURE AND RECREATION (CROSSFIT GYM)

PA2017/0299 LOT 4923 (81) ELDER STREET, SUBURB OF CICCONE

APPLICANT CROSSFIT ALICE SPRINGS

Ms Stacey Meaney, Ms Ashley Augey and Mr Scott Anderson (property owner) attended the meeting and spoke further to the application. Mr Anderson tabled a submission supporting the use of his property as a Gym, of which copies were provided to the submitters. It was also noted two (2) letters of support were received from the two adjoining businesses at Unit 1, Sam Gardiner (Alice Aluminium Windows) and Unit 3, Graeme Barnett (Alice Springs Locksmiths & Security Centre).

Mr Ray Rowe and Ms Kerry Donahoo, public submitters, attended the meeting and spoke further to their submissions. Mr Rowe tabled a noise log detailing dates and times.

**RESOLVED
0043/18**

That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 4923 (Unit 2, 81) Elder Street, Town of Alice Springs for the purpose of a change of use for part of building to a leisure and recreation facility (Cross Fit Gym).

REASONS FOR THE DECISION

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.

‘Leisure and recreation’ is a discretionary land use in Zone LI (Light Industry) and can be considered taking into account the relevant provisions of the Northern Territory Planning Scheme (NTPS) as well as the overall objectives of the NTPS.

From a land use/context perspective Clause 5.11 of the NTPS establishes the primary purpose of Zone LI is to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land. The use of the site for a gym will have a detrimental impact on the residential amenity of adjoining residential properties in Spicer Crescent.

2. Pursuant to Section 51(e) of the *Planning Act*, the consent authority must take into consideration any public submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. A further 3 submissions were received while the application was being considered by the Development Consent Authority. The submissions raised concerns with the noise generated as early as 5.30am on weekdays, the vibrations

felt through dwellings in the adjoining zone and the increasing noise as a result of the Gym being open on both Saturdays and Sundays. One public submission raised the issue of light spill experienced in their dwelling as early as 5.30am. The submissions raised concerns with the location being inappropriate for the type of business proposed. Two submissions were received from business owners operating in the Zone LI area and do not reflect on the concerns of the residents of SD area.

The issues raised in the public submissions are considered by the consent authority as relevant and important factors to the amenity of the dwellings in the adjoining Single Dwelling Residential (SD) zone.

3. Pursuant to Section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

Public submissions drew attention to the Gym's extended hours of operation, and the consent authority considers that the use is likely to result in an ongoing loss of amenity, in respect to noise and nuisance, to the adjoining residential properties.

4. Pursuant to Section 51(t) of the *Planning Act*, the consent authority may take into consideration any other matters it thinks fit.

The consent authority, having regard to section 52(1)(a) of the *Planning Act*, notes the current use in this locality is not considered to be consistent with the policy and objective statements for the LI (Light Industry) zone contained within the NT Planning Scheme.

ACTION: Prepare Notice of Refusal

ITEM 2 CHANGE OF USE - PART OF SITE - WAREHOUSE TO RECYCLING DEPOT
PA2018/0114 LOT 9036 (293) STUART HIGHWAY, SUBURB OF STUART
APPLICANT ENVIROBANK NT PTY LTD

Mr Chris Tatton attended the meeting and spoke further to the application.

Mr Scott Allen, on behalf of the Alice Springs Town Council, spoke to Council's submission.

RESOLVED
0044/18

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 6.8 (Demountable Structures) and Clause 9.1.1 (Industrial Setbacks) 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 9036, 293 Stuart Highway, Suburb of Stuart, Town of Alice Springs for the purpose of a change of use of part of the site from warehouse to recycling depot, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent

authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted by the applicant contained within the agenda report (dated 03/05/2018 prepared by Development Assessment Services) but modified to show:

- (a) a 2.4m high (above finished ground level) solid fence along the shared boundary between Lot 9036 (the subject site) and Lot 5180 (4 Basso Road); and
- (b) landscaping details (consistent with the concept detail provided by the applicant on 16/04/2018) with the width (dimension) of planting along the Basso Road (north) and Lot 5180 boundaries.

GENERAL CONDITIONS:

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The *use and development* as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Before the *use or occupation of the development* starts, the area(s) 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 as shown on the endorsed drawings and dust suppressed;
 - (d) drained;
 - (e) line marked or otherwise suitably delineated to indicate each car space and access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be maintained to the satisfaction of the consent authority and kept available for these purposes at all times.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council (Basso Road) and the Department of Infrastructure, Planning and Logistics (Stuart Highway), to the satisfaction of the consent authority.
5. 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 streets. The condition is to the satisfaction of the consent authority, on technical advice from the Alice Springs Town Council (Basso Road) and the Department of Infrastructure, Planning and Logistics (Stuart Highway).
6. Stormwater (associated with works approved by this permit) is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council and the Transport and Civil Services Division (DIPL) as the case may be to the satisfaction of the consent authority.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to *the development* shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.
8. All works recommended by the Traffic Impact Assessment (contained within the agenda report (dated 03/05/2018 prepared by Development Assessment Services)) are to be completed to the requirements of the Alice Springs Town Council (Basso Road) and the Department of Infrastructure, Planning & Logistics (Stuart Highway) to the satisfaction of the consent authority.
5. The loading and unloading of goods from vehicles must only be carried out on the land within the designated unloading bay/customer service area and must not disrupt the circulation and parking of vehicles on the land.
9. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no waste is spilled or dust or odour is created to the satisfaction of the consent authority.
10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
12. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
13. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic and the residential buildings on abutting properties.
14. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - (a) *transport of materials, goods or commodities to or from the land*
 - (b) *appearance of any building, works or materials*
 - (c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil*
 - (d) *presence of vermin*

NOTES:

1. This development permit does not grant "building approval" for the proposed structures and use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

2. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council (Basso Road)* and/or *Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics (Stuart Highway)* before commencement of any work within the road reserve.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. The Northern Territory Environment Protection Authority advises that:
 - (a) the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*;
 - (b) the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
 - (c) construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the consent authority must take into account the planning scheme that applied to the land to which the application relates. The recycling depot is relocating their operations from a temporary site in an LI (Light Industry) zone to a more permanent site in a LI (Light Industry) zone. Subject to compliance with the conditions of approval, the nature of operations are consistent with the purpose of Zone LI (Light Industry) of the NT Planning Scheme, being to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land. With the exception of
 - Clause 6.5.1 (Parking Requirements);
 - Clause 6.5.3 (Parking Layout)

- Clause 6.8 (Demountable Structures)
 - Clause 9.1.1 (Industrial Setbacks)
- the proposed recycling depot use of part of the site is seen to be generally compliant with all other provisions of the Scheme.
2. A variation to Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, to allow the provision of 16 car parking spaces where the scheme requires 17 spaces, is supported as:
 - the maximum number of staff employed at the property is 5, and employees currently utilise a car share scheme.
 - The application notes there are generally no more than 3 cars parked on the site at any one time;
 - there is no need for customer parking, as the nature of the use is a drive through/unloading facility; and
 - any associated parking can be accommodated within the proposed (16) car parking spaces.

 3. A variation to Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme to allow the 3 demountable structures on-site i.e. 1 x Staff Lunch Room, and 2 x glass bottle shipping containers, where the scheme states any more than 2 demountable structures requires planning consent, is supported as.
 - the demountable and shipping containers are not expected to impact upon amenity;
 - the demountable and shipping containers all comply with the setback requirements;
 - additional landscaping is proposed for the front boundary and the side boundary of the Community Living (CL) area;
 - the demountable serves as a staff/lunch room; and
 - the 2 glass shipping containers are rail freighted when full to SA;
 - the development generally meets all other scheme requirements.

The proposed use replaces the existing warehouse facility of similar size and function. The proposal is considered consistent with the requirements of the LI (Light Industry) Zone.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned purpose, design and site conditions of the development are considered to be sufficient special circumstances and justify the granting of a variation to Clauses 6.5.1 and 6.8 of the Scheme.

4. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must, in considering a development application, take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer:
 - a) The Alice Springs Town Council (ASTC) has advised kerb crossovers and driveways from site boundary to the public street (Basso Road) shall be subject to the approval of the Alice Springs Town Council, and to the requirements and satisfaction of the Director Technical Services, at no cost to. Further comment stated as the proposed use adjoins a residential area, the applicant must demonstrate dust and noise suppression measures both within the property and the road reserve.

The applicant is required to provide a Traffic Impact Assessment due to its proximity to the intersection of Stuart Highway and Basso Road;

- b) The Power and Water Corporation (PAWC) have advised of no objections to the proposal. A standard condition of approval will ensure that any connections to or works associated with electricity, water and sewerage services on the site will be carried out in accordance with PAWC's requirements.
5. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. The relocation of the recycling depot will allow town residents to have continued access to a much valued service to the community. The proposed development will be located adjacent to residential buildings on the abutting land (Lot 5180, Basso Road). The conditions of approval and requirement for the upgrading of fencing and landscaping on the site are intended to mitigate against any potential adverse impact on the visual and acoustic amenity of the locality
6. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: Prepare Notice of Consent and Development Permit

ITEM 3 **3 x 2 BEDROOM SINGLE STOREY MULTIPLE DWELLING**
PA2018/0126 **LOT 1779 (7) HAWKINS COURT, SUBURB OF GILLEN**
APPLICANT **S & R BUILDING & CONSTRUCTION PTY LTD**

Mr Steven Adler attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority varies the requirements of clause
0045/18 7.3 (Building Setback Requirements of Residential Buildings and Ancillary
Structures) and clause 7.5 (Private Open Space) of the NT Planning Scheme,
and pursuant to section 53(b) of the *Planning Act*, alter the proposed
development and consent to the proposed development as altered to develop
Lot 1779 (7) Hawkins Court, Suburb of Gillen, Town of Alice Springs for the
purpose of 3 x 2 bedroom single storey multiple dwellings in a single 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 in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to include:
 - a) Details of the relative heights of:
 - (i) the finished floor levels of the proposed dwellings;
 - (ii) finished ground level; and

- (iii) the top of the screen fencing (between dwellings on the site and on property boundaries), such that the fencing will be a minimum of 1.6m above the floor level of the dwellings.
- b) Landscaping to a minimum of 30% of the site and including plan details showing:
 - (i) a mix of trees, shrubs and ground cover/s;
 - (ii) trees and shrubs adjacent to the eastern and western side boundaries, selected with a view to:
 - minimising the potential visual bulk of the building as viewed from adjoining Lot 1778 and Lot 1780 respectively; and
 - providing some shading to the driveway area and dwellings from the summer afternoon sun.
- c) A revised alignment to the western side of the northern-most part of the driveway, designed to provide improved sight lines for vehicles exiting the site.
- d) Location of proposed air-conditioner condenser units (plan and elevation), including screening from adjoining properties for any units extending above the height of the boundary fencing or readily visible from the street.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of the permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
7. The kerb crossover and driveway to the site approved by this permit (and any required re-instatement works) are to be provided to the requirements and technical standards of the Alice Springs Town Council and at no cost to the Council, to the satisfaction of the consent authority.
8. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, the area(s) 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 concrete or an all-weather-seal coat;
- d) drained; and
- e) line-marked to indicate each car space, to the satisfaction of the consent authority.

Car spaces, access lanes and driveways must be kept available for these purposes at all times.

10. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
11. 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.
12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. The private open space areas of each dwelling shall be screened from open space of adjoining dwellings and on each property boundary by the erection of a solid wall or screen fence not less than 1.8 metres above ground level and not less than 1.6m above the finished floor level of the dwelling. This condition is to the satisfaction of the consent authority.
14. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au.
15. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.”
16. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
17. All air conditioning condenser units (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES:

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council, before commencement of any work within a road reserve.
2. This development permit does not grant "building approval" for the proposed works or use and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
3. 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.
4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Environment and Natural Resources. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>.
8. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au
9. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you

to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

10. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The multiple dwelling development as proposed is considered to be consistent with the zone purpose statement, for Zone MD (Multiple Dwelling Residential). The proposed development is considered appropriate in terms of the Planning Principles and Framework and may be expected to contribute to housing choice in Alice Springs.
2. The consent authority grants variations to:
 - a) Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme with respect to primary street and side boundary setbacks, as:
 - (i) The lot is an irregular shape, constraining design options.
 - (ii) The building has been designed with stepped setbacks for its full length, with setbacks ranging from approximately 2.2m to 5.3m.
 - (iii) Landscaping is proposed between the dwellings and the eastern boundary; and
subject to suitable planting, the aforementioned features are expected to ensure that the building will not be visually massive when viewed from adjoining Lot 1778 on account of the reduced setbacks to that boundary.
 - (iv) The development is expected to be in keeping with the streetscape, with:
 - an existing carport on adjoining Lot 1780 setback 1.6m from the front boundary;
 - 1.8m high solid fencing to the front boundary of Lot 1780 is expected to substantially screen the dwelling front dwelling as viewed from the street to the western side of the site; and
 - the site located near the end of a cul-de-sac;
 - (v) Proposed planting between the front dwelling and the front boundary may be expected to assist in integrating the development into the streetscape; and
 - (vi) No significant impact on the amenity of the street or adjoining properties is expected to result from the reduced setbacks.
 - b) Clause 7.5 (Private Open Space) of the NT Planning Scheme with respect to the minimum width dimension for private open space areas to Units 1 to 3 (inclusive), as:
 - (i) The open space envelopes exceed the minimum length dimension of 5m.

- (ii) The private open space areas exceed the 45m² minimum size;
and
- (iii) The private open space areas for all units:
 - are expected be of adequate size to provide for domestic purposes;
 - are considered to be appropriately sited;
 - include areas that are permeable and open to the sky; and
 - include areas that may be expected to allow the establishment and maintenance of shade trees.

The consent authority, in accordance with clause 2.5.4 of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted, despite non-compliance with clause 7.3 and clause 7.5 respectively of the Scheme respectively and that the development of the site as proposed, with suitable revisions as required/facilitated through the conditions of approval is not expected to frustrate any objective of the Planning Scheme on account of the variations granted.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and referred to the local authority in accordance with the *Planning Act* and the Planning Regulations and no public or local authority submissions under section 49 of the Act were received.
4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The proposed development would add to the range of housing available within the community and be expected to offer residents a good level of amenity without undue impacts on any other property.
5. 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 development is:
 - a) single storey and of a scale, form and dwelling density considered compatible with existing single and multiple dwelling development in the immediate locality; and
 - b) not expected to have any material impact on the amenity of any other property or the streetscape.
6. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.
7. The conditions of approval are expected to assist in reasonably ensuring:
 - a) the orderly development of the site;
 - b) due recognition of service authority interests;

- c) a satisfactory level of amenity for future occupants of the dwellings;
and
- d) no material impact on the amenity of adjoining properties or the locality.

ACTION: Prepare Notice of Consent

ITEM 4 SINGLE DWELLING WITH REDUCED FRONT AND SIDE BUILDING SETBACKS

PA2018/0148 Lot 10848 (45) BONANNI CIRCUIT, SUBURB OF ROSS

APPLICANT CATHRINE-JOAN HOHEPA & ELLEY CILKA

Ms Elley Cilka and Paul Cilka attended the meeting and spoke further to the application.

**RESOLVED
0046/18**

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures and clause 7(b)(i) and clause 7(b)(iii) of the SA8 Specific Use Zone provisions under Schedule 1 to the NT Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 10848 (45) Bonanni Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a single storey single dwelling with reduced front and side building setbacks, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Appropriate soil erosion, sediment and dust control measures must be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be suitably stabilised against erosion at completion of works, to the satisfaction of the Consent Authority.
3. Dust control measures must be employed throughout the construction stage of the development to the requirements of the NT Environment Protection Authority, to the satisfaction of the consent authority.
4. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
5. The kerb crossover and driveway to the site approved by this permit is to meet the technical standards of the Alice Springs Town Council. The owner shall remove disused vehicle and/ or pedestrian crossovers and undertake reinstatement works to the technical requirements of, and at no cost to the Alice Springs Town Council. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
6. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority. Notwithstanding the approved boundary fencing shown

on the drawings endorsed under Condition 1 of this permit, the design of the boundary fencing between the garage and the front boundary may be modified without further consent under the *Planning Act* to allow compliance with this Condition.

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

NOTES

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council, before commencement of any work within a road reserve.
2. This development permit does not grant "building approval" for the proposed structures and land use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. 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.
4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. Lot 10848 is located within the *Soil Conservation and Land Utilisation Act* Declared Erosion Hazard Area. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.

Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The site is vacant single dwelling lot within a recently established greenfield subdivision (South Edge/Bonanni Circuit). The proposed single dwelling development is of a scale and form that may be reasonably be expected within the context of applicable performance criteria contained in the NT Planning Scheme, including criteria relating to the SA8 (Specific Use) zone.
2. The consent authority grants variations to clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme with respect to minimum side setbacks for roof eaves and clause 7(b)(i) and clause 7(b)(iii) of the SA8 Specific Use Zone provisions under Schedule 1 to the Scheme, with respect to setbacks to the dwelling and garage, as:
 - The front boundary of the lot is not perpendicular to the side boundary and the garage setback distance ranges from 4.094 at the northern corner to approximately 4.93m at the north-western corner, with a substantial part of the garage exceeding 4.5m;
 - With the exception of the garage roof eave, the non-compliant aspect of the garage setback relates to approximately 20 percent of the front boundary with the dwelling setback a minimum of 6.134m from the front boundary;
 - The side boundaries of the lot are not parallel and the dwelling setback distance to the north-eastern boundary (excluding the verandah) ranges from approximately 1.25m at the eastern corner to 1.629m at the northern corner, part exceeding 1.5m;
 - Design options for a dwelling as proposed on the site are constrained by the relatively small size and irregular shape of the lot and the 5m minimum setback requirement to the rear boundary;
 - The proposed dwelling is single storey with a roof height of approximately 2.9m at the closest point to the affected boundary and is not expected to be visually massive as viewed from adjoining Lot 10847 on account of the reduced setbacks to the boundary with that lot;
 - The granting of variations as required for the proposed design is not expected to have any discernible adverse impact on the amenity of any adjoining property or the streetscape on account of the reduced setbacks;
 - The application was publicly exhibited and no submissions were received; and
 - The development of the site as proposed is not expected to frustrate any objective of the Planning Scheme on account of the variations granted.

The consent authority, with reference to clause 2.5.4, clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and the SA8 Zone provisions of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted,

despite non-compliance with clause 7.3 and the SA8 Zone provisions of the Scheme respectively.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions under section 49 of the Act were received in relation to the application.
4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The proposed development is assessed as compliant with the Planning Scheme with the exception of the reduced setbacks. It is envisaged that the proposed dwelling will offer the residents a good level of amenity without any material impact on any other property or the streetscape on account of the reduced setbacks.
5. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.
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 development is of a form and scale that is not expected to adversely impact on the amenity of any other property or the locality.
7. The conditions of approval are expected to assist in reasonably ensuring:
 - The orderly development of the site;
 - Due recognition of service authority interests;
 - A satisfactory level of amenity for future occupants of the dwellings; and
 - No material impact on the amenity of adjoining properties or the locality.

ACTION: Prepare Notice of Consent and Development Permit

ITEM 5
PA2018/0147
APPLICANT

CHANGE OF USE - SHOP TO MEDICAL CLINIC (TENANCIES 3 & 7)
LOT 5775 (8) GREGORY TERRACE, TOWN OF ALICE SPRINGS
MASTERPLAN NT

Mr Peter Stanley, Mr Paul Graham and Dr Priyantha Wijesurendra attended the meeting and spoke further to the application. Mr Graham also tabled an email and diagram from Whittles Body Corporate indicating the car parking allocation within the common property area of the Unit Plan.

Mr Scott Allen, on behalf of the Alice Springs Town Council, spoke to Council's submission reiterating Council's Policy in relation to car parking contributions.

**RESOLVED
0047/18**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) 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 5775, 8 Gregory Terrace, Town of Alice Springs for the purpose of change of use (parts of Units 3 and 7) to a medical clinic, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be provided electronically. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Details and location/s on the site plan of proposed works to the car parking area to delineate car parking bays available to clients and staff of the medical clinic use. Documents must also be provided from the Body Corporate of Unit Plan 92/061 confirming the car parking allocation for Units 3 and 7.;
 - (b) An amended floor plan/s of the medical clinic tenancies clearly identifying the precise boundaries of Units 3 and 7, common property and other tenancies within those unit entitlement areas;
 - (c) Floor layout, partitioning, room sizes and uses of the medical clinic and other tenancies on the site; and
 - (d) Elevations of the Gregory Terrace facades of Units 3 and 7 indicating finished floor levels, external finishes, positions of doors and windows.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewer and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.
6. The 16 car parking shown on the endorsed plan(s) must be available at all times for the use of the occupants of the medical clinic use and their visitors.
7. All new air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic

impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES:

1. 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.
2. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserves.
3. This development permit does not grant "building approval" for the proposed works and use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. Notwithstanding the approved plans, the demonstrated awnings in Alice Springs Town Council's road reserve are subject to Council approval at no cost to Council.
6. 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.
7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the

development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

REASONS

1. Amended drawings are required to be submitted for endorsement as the drawings and documentation submitted with the application:
 - (a) Do not accurately show the floor layout of the proposed use in relation to the boundaries of Units 3 and 7 as registered on Unit Plan 1992/061 (sheets 9 & 10 of 11). This is considered necessary as a key element of a planning assessment and determination is the use in relation to a specific portion of land. It is necessary to be able to accurately identify the subject tenancy in the context of the unit and common property boundaries for proper documentation of the approval granted, which will also assist with future assessments on Lot 5775;
 - (b) Refer to delineation / allocation of specific car parking spaces being available to staff and clients of the medical clinic, however details of these works were not shown on the submitted drawings; and
 - (c) Did not include elevations of the subject tenancies.
2. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme which 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'. The proposed use is considered to be compatible with other uses on the site and in the locality and with the exception of car parking requirements, has been assessed as being compliant with other objectives and criteria contained in the NT Planning Scheme.
3. A reduction of the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme to 16 spaces is supported under Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:
 - (a) The existing development of Lot 5775 for the purposes of offices, shops and a 24hr gym have been approved through Development Permits DV4669 (approved 34 parking spaces instead of 92 spaces) and DP14/0085 (approved a waiver of 15 spaces)
 - (b) It is physically impossible to provide any additional functional car parking bays on the site;
 - (c) Availability of on street car parking spaces within Bath Street and Gregory Terrace and public transport services within the vicinity of the site;
 - (d) Likelihood of cross utilisation of car parking spaces by those working and shopping in the locality;
 - (e) The proposed use will incorporate bicycle parking within the floor layout; and

- (f) The proposed change of use of 769m² of net floor area previously approved as a “shop” and “office” to a “medical clinic” will reduce the calculated parking demand for the site by 11 spaces.
4. Pursuant to section 70(4) of the *Planning Act*, the Development Consent Authority, having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) and recognising the lawfully established existing use of the subject units as a shop/office, considers it appropriate to grant the requested variation to Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme. Accordingly, the Development Consent Authority does not require a car parking levy to be paid to Alice Springs Town Council and pursuant to section 70(3) of the *Planning Act* reduces the car parking requirement to 16 spaces.
 5. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services that apply to the change of use of the land.
 6. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority is required to take into account the public interest. The proposed development is considered to be in the public interest as it will establish a medical clinic (doctor and dentist) in a conveniently accessible location and a net community benefit will result from the proposal.
 7. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: Prepare Notice of Consent and Development Permit

ITEM 6 **FURTHER CONSIDERATION – ALTERATIONS AND ADDITIONS TO 4 x 2 BEDROOM MULTIPLE DWELLINGS IN 1 x 2 STOREY BUILDING AND CONSTRUCTION OF AN ADDITIONAL 4 MULTIPLE DWELLINGS IN 2 x 1 STOREY BUILDINGS IN TWO STAGES**

PA2018/0106 **LOT 6718 (4) TAYLOR STREET, SUBURB OF ARALUEN**

APPLICANT **SUSAN DUGDALE & ASSOCIATES**

Ms Sue Dugdale attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority varies the requirements of clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*,
0048/18

the Development Consent Authority alter and consent to the application to develop Lot 6718 (4) Taylor Street, Suburb of Araluen, Town of Alice Springs for the purpose of alterations and additions to 4 x 2 bedroom multiple dwellings in 1 x 2 storey building and to construct an additional 4 x 1 storey multiple dwellings in 2 stages, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the concept site plan dated 16/04/2018 (Job No. P458, prepared by Susan Dugdale & Associates), but modified to show:
 - (a) Details/levels of any filling of the site;
 - (b) Improvements to the car parking layout to achieve a closer level of compliance with the minimum standards of development relating to manoeuvring dimensions and access to bays 6-9 and 10-14;
 - (c) Elevations of all existing buildings, proposed buildings and carports;
 - (d) A cross-section of the site and dwellings showing the relationship between existing and finished ground levels, floor levels and the apex height of the buildings. The apex height of the buildings above ground level is to be labelled on the drawings
 - (e) dimensioned floor plans of existing and proposed dwellings showing layout, partitioning and labelling of room uses;
 - (f) private open space (POS) details for all units including proposed surface treatments, fencing arrangements that comply with sub-clause 4 of Clause 7.5 of the NT Planning Scheme, planting and extent of area open to the sky;
 - (g) Fence heights along the eastern boundary to be 1.8m above finished ground levels.
 - (h) Detail the locations of all air-conditioning units, including condenser units screening to be utilised to ensure the units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all air-conditioning units must allow convenient access for ongoing repair and maintenance. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with an acceptable panel to gap ratio, such that the condenser units are not readily visible from any angle;
 - (i) Proposed landscaping details for the development, such that the consent authority can be satisfied that the criteria and objectives contained in Clauses 6.12 and 7.7 of the NT Planning Scheme can be met;

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The development must proceed in the order of stages as shown on the endorsed plans unless otherwise agreed in writing by the consent authority.

4. Before the use or occupation of each stage of the development starts, the area) 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; and
 - (e) line marked (or otherwise suitably delineated) to indicate each car space;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
6. 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.
7. Before the use/occupation of each stage 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.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to each stage of the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
12. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the Planning Act) for each stage of

the development will not be able to be granted until such time as addressing is obtained.

13. For each stage of the development, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au.
14. Access to and egress from the site for all vehicles (including construction access) must only be from Taylor Street.
15. All proposed works impacting on Larapinta Drive and Taylor Street are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (Larapinta Drive) and the Alice Springs Town Council (Taylor Street). Drawings must be submitted to the Council and Transport Infrastructure Planning Division of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
16. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council (Taylor Street), to the satisfaction of the consent authority.
17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the , the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (Larapinta Drive) and the Alice Springs Town Council (Taylor Street), to the satisfaction of the consent authority.
18. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (Larapinta Drive) and the Alice Springs Town Council (Taylor Street) to the satisfaction of the consent authority.
19. 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.
20. The dwellings shall be of appropriate acoustic design and construction in compliance with sub-clause 2(h) of Clause 7.8 of the NT Planning Scheme to the satisfaction of the consent authority.
21. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on

neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed buildings and use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. 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 Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Environment and Natural Resources.
6. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955362 (surveylandrecords@nt.gov.au).
7. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51 (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. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 2.8 (Reference to Policy: Compact Urban Growth Policy) –
 - Clause 4.3 (Planning Principles – Alice Springs);
 - Sub-clause 3 of Clause 7.1.1 (Residential Density Limitations); and
 - Zone MR (Medium Density Residential), the primary purpose of Zone MR is to provide for a range of housing options to a maximum height for four storeys above ground level. The development is under the 3 storey height limitation (imposed by Clause 6.2) and the scale, character and architectural style of the multiple dwelling development is compatible with the streetscape and surrounding development within Araluen.

2. The consent authority grants a variation to Clause 6.5.3 (Parking Layout) and Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme to allow car parking spaces and a carport to be located within the minimum setback to a street boundary. This applies to parking spaces 14, 15 and 16. The setback variation is not expected to adversely impact on the visual amenity of the street or locality as:
 - The spaces will be screened by a proposed fence comprising either solid Colorbond®, 0.6 or 0.8m picket fence on top of 1.2 or 0.8 blockwork walls; and
 - Landscaping treatment will be undertaken between the spaces (#15 & #16) / carport (#14) and the fence/boundary.

3. Variations are granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some of the dwellings (as shown on the drawings) that do not fully comply with the minimum area, permeability and length and width dimensions. Variations to these provisions are supported, as the following circumstances apply to the development:
 - despite these non-compliances, each dwelling provides a useable, functional area for recreation purposes directly accessible from habitable rooms within the dwelling.
 - the dimensions of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of those dwellings;
 - the private open space areas are positioned to enable an extension of the function of each dwelling;
 - the areas of private open space are considered to be appropriate for the floor areas and layout of each dwelling;
 - the private open space of the existing dwellings on the site (approved by Instrument of Determination DV1591) is being upgraded;
 - communal open space is included with the proposed development of the site; and
 - there are areas of quality public open space and community facilities in close proximity to the site (neighbourhood parks).
 - Units 3 and 4 are existing first floor units with limited balcony space and the application proposes to provide both units with access to ground level POS/service yards; and

- Unit 5 has POS/rear yard with reasonable dimensions for a single bedroom unit.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was advertised in accordance with the requirements of the *Planning Act* and Planning Regulations, no public or local authority submissions were received.
 5. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application:
 - The existing dwellings on the site will be upgraded to achieve closer compliance with the car parking, private open space, landscaping and building design provisions of the NT Planning Scheme.
 - The application contends that the proposal fulfils the objectives of the performance criteria requirements of the NT Planning Scheme and the approved dwelling density and associated variations to minimum standards for development are not expected to compromise the amenity of occupants of the development or to adjacent and nearby land.
 6. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The physical characteristics of the land are considered suitable for the proposed development of multiple dwellings. The site is outside the 1% AEP Defined Flood Area and is generally flat. The site and floor layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use. The proposal is very similar to the anticipated density in this location.
 7. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and works are not to encroach into easements. The conditions of approval are intended to ensure service authority interests are duly recognised.
 8. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, potential adverse impact on the surrounding area will be mitigated. Consideration has been given to the streetscape and surrounding area. The development application was publicly exhibited for 14 days, no public or local authority submissions were received in relation to the application.

9. Pursuant to section 51(p)(i) of the *Planning Act* the consent authority must take into consideration the public interest including how community safety through crime prevention principles in design are provided for in the application. The existing first level units (Units 3 and 4) provide capacity for passive surveillance over adjoining public road reserves and Units 1 and 2 and proposed units 5 and 6 have passive surveillance capacity over car parking areas, thereby meeting one of the Core Design Principles contained within the Community Safety Design Guide and allows interaction and surveillance to the streetscape.
10. Amended drawings and conditions precedent are required to:
 - (a) Ensure service authority interests with respect to vehicle access and storm water drainage are satisfactorily addressed; and
 - (b) Achieve satisfactory compliance with the objectives and performance criteria of the NT Planning Scheme with regard to:
 11. Clause 6.5.3 (Parking Layout)
 12. Clause 7.5 (Private Open Space); and
 13. Clause 6.12 (Landscaping) / Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme.

ACTION: Prepare Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

18 May 2018