



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 249 – WEDNESDAY 13 NOVEMBER 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck (not present for Item 2),
Jamie de Brenni, Marli Banks

APOLOGIES: Deepika Mathur

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Fraser Cormack,
Julie Driver, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:15 am and closed at 11:10am

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 CHANGE OF USE FROM RESTAURANT TO HOTEL (INCLUDING
PA2019/0368 ALFRESCO DINING AND OUTDOOR LOUNGE BAR)
 LOTS 5174, 5175 AND PART LOT 8475, 58 & 60 TODD STREET, TOWN OF
 ALICE SPRINGS**

APPLICANT/S THE WILKINSON FAMILY TRUST

Chris Wilkinson (applicant) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority determine to vary Clause 6.6 (Loading
0117/19 Bays), reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in
 Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to
 section 53(a) of the *Planning Act 1999*, consent to the application to develop Lots
 5174, 5175 & part Lot 8475, 58 & 60 Todd Street for the purpose of change of use
 from restaurant to hotel (including alfresco dining and outdoor lounge bar), 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 must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) The boundaries of stages of the works (ie: Stage 1 = works already completed. Stage 2 = upgrades to Todd Mall alfresco area & any screening of air conditioning units)
 - (b) the site plan updated to include the:
 - alfresco area within Reg Harris Lane;
 - Right of Way Easement/s that apply to the site (ie: as shown on Survey Plan S78/46)
 - Location of the water meter and any associated backflow prevention device required by the Power and Water Corporation
 - (c) the medical clinic (x 2) and office tenancies of the building labelled on the drawings (site plan and floor plans).

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 use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the

development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.

6. Storage for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
7. 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.
8. The owner/developer of the land must enter into agreements with the Alice Springs Town Council for all building elements over the Alice Springs Town Council road reserve (Todd Mall) and other Council property (ie: Lot 69, Hartley Street), with design specifications to be to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Any new substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Detail will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and the NT Fire and Rescue Service.
10. All air conditioning condensers associated with the change use approved by this permit (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated), located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

NOTES

1. This development permit does not grant "building approval" for the structures, fit out and associated 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 construction works and the associated use.
2. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act 2011* and Regulations, the *Food Act 2004* and National Food Safety Standards.
3. 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>

4. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any construction access or work (including connection to services within the road reserves Todd Mall (Lot 8475) or other Council owned land (Lot 69).
6. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council
7. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The application is to change the use of parts of the building previously approved as a shop and restaurant to a hotel which includes a main internal bars plus an outdoor bar, kitchen, amenities, internal and outdoor seating areas, a function space. The outdoor area (upstairs) was originally approved as an "outdoor entertainment" use ancillary to a restaurant. The upper level of the hotel will be accessed by Reg Harris Lane using an existing door, plus recently refurbished internal stairs and a new lift.

The primary purpose of Zone CB (Central Business) of the Northern Territory Planning Scheme 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. In Zone CB, building form and design is expected to be sensitive to the needs to pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct. The hotel use falls within the range anticipated in Zone CB, and the use of the alfresco areas will facilitate passive surveillance over Todd Mall and Reg Harris Lane in meeting the

zone principles. The proposal will also help to increase activity and vibrancy in Reg Harris Lane and Todd Mall. The site is located within the central areas of the Alice Springs CBD in which late night venues would be anticipated. No residential uses or other sensitive uses have been identified as currently existing in the immediate area, although they may be developed in the zone in the future.

The purpose of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme 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. The change of use to hotel requires 22 car parking spaces (total of 35 spaces required if medical clinic and office uses are included), with no spaces provided on site and the application seeks a parking reduction.

A reduction to the parking required under Clause 6.5.1, pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme is considered having regard to the following matters:

(a) the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land; (b) the provision of car parking spaces in the vicinity of the land; and (c) the availability of public transport in the vicinity of the land; or (d) the use or development relates to a heritage place and the Minister responsible for the administration of the *Heritage Act 2011* supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

The parking reduction is considered appropriate in recognition of the historic use of the land which relied entirely on public car parking, and that the proposed use comprises reconfiguration of existing floor area. With the existing building covering almost the entire site, and the restriction of the right of way easement, there is no opportunity for the accommodation of any on-site car parking. The requirement for a payment in lieu of spaces (pursuant to section 70 of the *Planning Act 1999*) is not considered appropriate having considered the history of the site and matters contained in Clause 6.5.2 of the Scheme.

Varied peak demand times are expected, particularly as the expected peak business times are out of business hours and on weekends, at lower demand times for both on-street and off street car parking in the area. Whilst the proposal would be open during the day, weekday visits are expected to be complimentary to the surrounding weekday land uses, and visits within the venue as a destination are likely to be lower.

The proximity of alternative transport including a taxi rank and bus stop adjacent the site is also noted, and that there are public car parks within <400m walking distance of the site plus kerbside car parking. That the parking generation is expected to be satisfactorily accommodated within these existing car parking facilities is also noted. Also the nature of the hotel as a licenced premise and having a preference to discourage, rather than facilitate private motor vehicle use.

2. Pursuant to section 70(4) of the *Planning Act 1999*, the Development Consent Authority, having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and recognising the lawfully established use of the subject site:
 - prior to 1992 as a shop/office/medical clinic; and
 - after 2002 for the restaurant development approved by DP02/0427 (as varied) and DP06/0050 (as varied)

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 1999* reduces the car parking requirement.

3. The purpose of Clause 6.6 (Loading Bays) is to provide for the loading and unloading of vehicles associated with the use of the land. The hotel development overall requires 1 loading bay with none provided on site.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to a development that does not meet the standard set out in Parts 4 or 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The special circumstances in reducing the number of loading bays required include:

- The site has the ability to continue to use the Alice Springs Town Council managed loading zones in Lot 69 (Council car park) and Lot 8475 (Todd Mall).
- The existing shared access arrangement in Lot 69 is functional and other properties in Todd Mall are provided equitable access.
- The ground level of the site is completely developed and there is no opportunity to provide additional loading areas without undertaking significant building alterations and removal of the right of way easement.

4. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account 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 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 and associated works.
5. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The change of use and associated site works is consistent with the broader intent of Zone CB (Central Business) of the NT Planning Scheme as it falls within the range of uses provided for within Zone CB.

Also, the use has been granted approval from the NT Liquor Commission and the suitability of the proposed use within the locality has been considered as part of the licensing application. The Authority considers that the applicant's measures to reduce noise, adherence to conditions that the NT Liquor Commission imposed for the proposal's liquor licence, are sufficient to minimise the impacts on the amenity of the area.

6. The application was placed on public exhibition in accordance with the requirements of the *Planning Act 1999* and Planning Regulations. No public submissions were received during the exhibition period.
7. Amended drawings are required to be submitted for endorsement as the drawings and documentation submitted with the application do not accurately show the:
 - alfresco dining area located within Reg Harris Lane;
 - use of other tenancies within the building;

- right of way easement/s that are registered on the Land Title of Lots 5174 & 5175.
- staging of works – noting that alterations to existing building (both levels) have already been completed and upgrading of the alfresco area (Todd Mall) has not yet commenced.

ACTION: DAS to prepare a Notice of Consent and Development Permit

ITEM 2 **WAREHOUSE WITH ANCILLARY OFFICE IN A 2 STOREY BUILDING**
PA2019/0393 **LOT 9142, 4 MCDONALD STREET, TOWN OF ALICE SPRINGS**
APPLICANT/S **SUSAN DUGDALE & ASSOCIATES**

Mr Chris Neck, a member of the Development Consent Authority declared an interest pursuant to section 97(1) of the *Planning Act 1999*, and absented himself from the meeting for the hearing and deliberation of this item.

Miriam Wallace and Susan Dugdale (Applicant) and Travis Mitchell (MPH Projects) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop Lot 9142 (4) McDonald Street, Town of Alice Springs for the purpose of warehouse with ancillary office in a 2 storey building and retaining an existing shed for warehouse/parking use, subject to the following conditions, for the following reasons:

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 further modified to include:
 - a) Elevations of the existing shed;
 - b) Details of surface treatment of all parking areas as sealed (as required by clause 6.5.3.3(b))(Note: The consent authority may endorse 'permeably paved' parking as an alternative to impervious seal, however, this would not include compacted road base, gravel or equivalent which would be considered non-compliant with clause 6.5.3.3(b));
 - c) Details of type or height of the existing fencing to side and rear boundaries.
 - d) Notes explaining screening and location of air-conditioning units to comply with clause 8.2.2(g) of the NT Planning Scheme; and
 - e) Additional details of proposed 'vertical landscaping'.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority c/o Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

The consent authority notes:

- the intention as detailed in the application, that the development will include landscaping within the road reserve to the front of the site and commends the applicant on the initiative as a means of further ensuring the integration of the development into the streetscape; and

- that the Alice Springs Town Council supports such verge landscaping in principle and has an application process available to facilitate approval.

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. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
4. 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.
5. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council. 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, on advice from on advice from the Council.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, 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. 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.
9. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and the Northern Territory Fire and Rescue Service.
10. Before the use/occupation of the development and use approved by this permit starts, the landscaping works shown on the endorsed landscape plan must be carried out and completed in accordance with the endorsed plans, and in-ground irrigation system/s must be installed to landscaped areas, 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. Before the use/occupation of the approved 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 (or permeably paved);
 - d) drained; and
 - e) line marked or delineated to indicate each car parking space;to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.
13. 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.
14. All air conditioning units (including any 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. The Alice Springs Town Council has confirmed that permission to undertake verge landscaping may be sought by application.
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. 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.
5. 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.
6. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern

Territory Environment Protection 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.

7. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
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>
10. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The land is in Zone SA3 (Specific Use Zone) and is located within the Central Alice Springs Area as detailed in the Central Alice Springs Area Plan and SA3 provisions, the Area Plan and a number of performance criteria contained in Part 4 of the NT Planning Scheme are relevant to the site and development. The Alice Springs Regional Land Use Plan 2016 is a referenced policy document and also relevant to the land.

The consent authority concluded that:

- a) the building setback requirements under condition SA3.2(k)(iv) were not applicable to the proposed development as the proposed primary use was warehouse; and
- b) it had no power under the *Planning Act 1999* or the NT Planning Scheme to grant variations to condition SA3.3, SA3.4 or SA3.5 of the SA3 Zone; and

- c) notwithstanding the agenda report calculation that approximately 44% of the proposed on-site landscaping was located between the building and the front boundary, the proposed landscaping:
 - (i) was designed with regard to the SA3 Zone conditions and includes significant elements of vertical landscaping (including planting) to three sides of the building, drawing attention to the landscaping at the front of the site and supporting its predominance in terms of achieving SA3.4; and
 - (ii) was compliant with condition SA3.4 and all other conditions of the SA3 Zone.

The consent authority, resolved to write to the Department of Infrastructure, Planning and Logistics recommending a review of the Zone SA3 provisions, noting marked discrepancies between the conditions of the SU19 Specific Use Zone (under the former Alice Springs Town Plan 1992, as amended) and the current SA3 Zone conditions, including:

- That a number of requirements changed from discretionary to non-discretionary; and
- Building setback requirements applicable to all uses under the SU19 zone apply only to one class of use in the SA3 Zone.

The proposal was assessed as requiring a variation to clause 9.1.1 (Industrial Setbacks) of the Planning Scheme with respect to the existing shed which is setback less than 5m from the rear boundary of the site and the consent authority decided that a variation to the 5m rear setback requirement could be supported in this instance, as the development included substantial planting to the front and rear of the site and shed was not expected to frustrate the purpose of clause 9.1.1, which is “to ensure that buildings are sited to provide an adequate level of visual amenity in industrial zones”, on account of a minimum rear setback of 3m instead of 5m. Subsequent to the decision, it was recognised that clause 9.1.1 does not apply to Zone SA3 and that a variation was therefore not required.

2. 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 were received.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The application commended the following as merits:
 - a) The proposal will develop a previously primarily vacant site and provides a formal use that supports and enhances the existing use of the area and is in keeping with the land use vision for the area.
 - b) The new facility will improve the storage and logistics capability of the NT Government Central Australian Health Facilities and provide up to date staff work areas and facilities.
 - c) The new development will support and enhance the existing streetscape.
 - d) The proposal will improve public safety by improved passive surveillance of the street from the offices and entry to the new building.
 - e) The louvered street façade is dynamic and the entry under croft provides shade to the building and acts as a wayfinding element for visitors to the site.
 - f) The louvre sunscreens screen the southern façade glazing from summer SW solar gain without blocking views or oversight of the street.

- g) The environmental attributes of the building, water tanks, sun screening, solar collection and “green/living walls” are to be displayed as features of the building form and façade treatments. This demonstrates to the public the value of environmental principals and we hope will increase public discussion, awareness and value of passive solar and environmentally responsible building design.
- h) The environmental design of the building will ensure it has a minimal negative environmental footprint.

The application has been reviewed against relevant objectives of the Planning Scheme and is considered to reflect a considered and positive design response.

- 4. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The application advised that the proposal:
 - supports and enhances the existing and future amenity of the area in keeping with the aims and intentions of the Draft “Central Alice Springs Area Plan”; and
 - improves the street scape and public safety and amenity.

The proposed development and use are of a scale and form expected to be compatible with the established uses and development and to enhance the streetscape. Conditions requiring the screening of air-conditioner units may be expected to further assist in ensuring the development’s integration into the streetscape.

- 5. Pursuant to section 51(p) of the *Planning Act* the consent authority must take into consideration the public interest. The application includes a detailed appraisal against the Community Safety Design Guide which is a referenced document within the Planning Scheme. The building design and site layout are considered to reflect a positive response to the Guide and contribute to community safety through crime prevention principles in design, including by providing for:
 - a) passive surveillance opportunities;
 - b) clear sightlines near access and egress points;
 - c) legibility of entry and pedestrian access to the site;
 - d) visual connection to the street and oversight of entry area;
 - e) bicycle parking to the front of the building;
 - f) options for movement and limits ability for entrapment;
 - g) appropriate lighting to ensure security; and
 - h) legibility of entry and wayfinding.

The building design and site layout make provision for persons with disability and impaired/limited mobility, including parking spaces, a lift, amenities and accessibility design.

- 6. 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; and
 - c) No material impact on the amenity of the streetscape, adjoining properties or the locality.

ACTION: DAS to prepare a Notice of Consent and Development Permit

ITEM 3 **CHANGES TO MULTIPLE DWELLINGS APPROVED BY DP13/0874 &**
PA2019/0387 **DP13/0874A - CONSTRUCTION OF 4 ADDITIONAL 2 BEDROOM**
DWELLINGS IN A TWO STOREY BUILDING AND ALTERATIONS TO CAR
PARKING AND COMMUNAL OPEN SPACE LAYOUTS
LOT 8394, 6A BLOOMFIELD STREET, SUBURB OF GILLEN
APPLICANT/S **SUSAN DUGDALE & ASSOCIATES**

Development Assessment Services tabled copies of comments received from the Alice Springs Town Council (dated 04/11/2019) and the Power and Water Corporation - Water Services (dated 09/10/2019) comments prior to the hearing.

Susan Dugdale (applicant) and John McBryde (Company Secretary and CEO of Central Australian Affordable Housing Company Pty Ltd) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority varies the requirements of clause 7.1.1
0119/19 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 1999*, alters the proposed development and consents to
the proposed development as altered to develop Lot 8394 (6A) Bloomfield Street,
Suburb of Gillen, Town of Alice Springs for the purpose of changes to the multiple
dwelling development approved by DP13/0874 and DP13/0874A to allow
construction of 4 x additional 2 bedroom dwellings in a two storey building and
alterations to the car parking and communal open space layouts, subject to the
following conditions, for the following reasons:

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 as amended through alterations (a carport addition) submitted on 31 October 2019, but further modified to include:
 - a) A detailed landscaped plan for all areas to the southern side of the central driveway, with landscaping selected to :
 - (i) be attractive and contribute to safe, pleasant and functional private and communal open space areas;
 - (ii) include a mix of trees, shrubs, groundcovers, including:
 - At least two trees/shrubs (species with a minimum mature height in the order of 4m) between the building and the front boundary, with a view to further integrating the development into the streetscape;
 - Permeable surface treatment to at least 50% of the private open space area of ground floor private open space areas (to allow stormwater infiltration and lessen stormwater runoff from the site as required by sub-clause 7.5.2(d) of the Planning Scheme); and
 - Landscaping and amenities to the communal open space area responding positively to the purpose and performance criteria of clause 7.6 (Communal Open Space) of the Planning Scheme and including outdoor play for children and tables/benches located clear of the Coolabah tree's overhang area.
 - b) A 1.8m high (minimum) solid privacy fencing to the southern side boundary between the front boundary of Lot 8394 and the screen fence to the

western sides of the proposed communal living area) to comply with sub-clause 7.5.4 of the Planning Scheme.

- c) Screening or partial screening of air-conditioner condenser units such that they are unlikely to be readily visible from the adjoining street (to comply with sub-clause 7.8.2(d) of the Planning Scheme.
- d) Responding to sub-clause 7.8 (2)(l) of the Planning Scheme, which requires internal drainage of balconies and coving on the edge of balconies.

Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

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. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
- 4. 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.
- 5. 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 plan in accordance with the authorities requirements and relevant legislation at the time.
- 6. 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.
- 7. 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.
- 8. 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. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained."
- 9. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the

driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, on advice from on advice from the Council.

10. Before the use/occupation of the multiple dwellings approved by this permit starts, the landscaping works shown on the endorsed landscape plan must be carried out and completed in accordance with the endorsed plans, and in-ground irrigation system/s must be installed to landscaped areas, 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. The private open space areas of each dwelling approved by this permit shall be screened on each internal and property boundary by a solid wall or screen fence not less than 1.8 metres high.
13. Before the use/occupation of the approved 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; and
 - e) line marked or delineated to indicate each car parking space;to the satisfaction of the consent authority.
Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.
14. 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.
15. All air conditioning units and condenser units (including any units required to be added or replaced in the future) are to be appropriately screened 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. 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 Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 (surveylandrecords@nt.gov.au).
4. 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.

5. 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.
6. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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.
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 Department of Environment and Natural Resources.
8. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
9. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
10. If you choose NBN to service your development, you will need to enter into a development agreement with NBN. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered NBN will be in contact to discuss the specific requirements for the development. NBN requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The development of changes to the multiple dwelling development approved by DP13/0874 and DP13/0874A to allow construction of an additional 4 x 2 bedroom dwellings in a two storey building and alterations to the car parking and communal open space layouts as approved is considered to be consistent with the zone purpose statement, for Zone MR (Medium Density Residential) and the type of development that may be expected in the locality.

- a) Under clause 7.1.1.2, the consent authority may consent to a development that is not in accordance with sub-clause 7.1.1.2 if it is satisfied that compliance with other aspects of this Planning Scheme indicates that the density of the development is appropriate having regard to the purpose of this clause as set out in sub-clause 1. The consent authority grants a variation to clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme in this instance, as:
- (i) The site is located within walking distance of a range of community facilities.
 - (ii) The proposed residential density may be assumed to be compatible with the existing and planned provision of reticulated services and community facilities which will service the area, noting that:
 - the Planning Scheme allows a maximum density of 1/133m² for Zone MR for 3 storey development which translates to a potential yield of 34 dwellings for the site; and
 - while upgrades to services may be required, the Power and Water Corporation (Network Development) and the Alice Springs Town Council respectively have commented on the application and not identified any issues that would suggest that the land may not be suitably serviced.
 - While Power and Water Corporation (Water Services) comment had not been received at the time that this report was finalised, it did not raise any concerns in principle in its comment on the application approved through DP13/0874.
 - (iii) The land has been assessed as being suitable for the proposed development.
 - (iv) The design recognises and accommodates retention of a tree of special cultural significance.
 - (v) While the whole-of-site development does not comply with the clause, a variation to clause 7.1.1 for the single storey development was granted previously, the proposed additions in themselves comply with the 1/200m² density applicable to two storey buildings.
- b) 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 the primary street setbacks, as:
- (i) Siting options are constrained by the existing development of the site and a large Coolabah tree that has special cultural significance (a recorded sacred site).
 - (ii) The undeveloped part of the site has an irregular shape.
 - (iii) Locating the building towards the front of the site as proposed:
 - is expected to reduce the potential for overlooking between the site and the dwellings on the adjacent lot to the south; and
 - allows the size and dimensions of the communal open space area to be maximised, providing a large, centrally located shared space for use by all residents.
 - (iv) The dwellings are designed with long axes aligned east-west limiting the extent of building directly exposed to the summer afternoon sun.
 - (v) The development provides varied setbacks and articulation to the building design.
 - (vi) Notwithstanding that the single carport with reduced front setbacks was not publicly exhibited, no public submissions were received in relation to the application and the carport is not expected to detract from the streetscape or any property and may be expected to offer an improved level of amenity for the residents.

- (vii) The development is expected to be compatible with the streetscape and surrounding development and is not expected to in any way frustrate the purpose of clause 7.3.
 - (viii) A detailed landscape plan is required to be submitted for endorsement with at least two trees/shrubs (species with a minimum mature height in the order of 4m) between the building and the front boundary, with a view to further integrating the building into the streetscape.
- c) The consent authority grants a variation to clause 7.5 (Private Open Space) of the NT Planning Scheme with respect to the requirement for a 45m² area, open vertically to the sky, with no dimension less than 1.5m. The assessed open to the sky area with a minimum dimension of 1.5m is 42m² for each of the dwellings and the dwellings comply with the minimum covered/partially open space area requirements. A variation is supported as the non-compliance is marginal and both dwellings have substantial open space areas with design and dimensions expected to provide for flexibility, liveability and functionality.
- d) The consent authority grants a variation to clause 7.6.3 (Communal Open Space) of the NT Planning Scheme with respect to area dimensions, as:
- (i) Under sub-clause 7.6.2 “This clause does not apply to multiple dwelling developments in which each dwelling has direct and independent access to private open space at ground level”.
 - (ii) Communal open space is required only due to Units C and D not having direct and independent access to private open space at ground level, as all other dwellings have directly accessible private open space at ground level.
 - (iii) Notwithstanding that the communal space is only required for the two first floor dwellings, the proposed provision of a 330m² landscaped communal area is expected to enhance amenity for all residents, complementing private open space areas and providing a significantly larger communal open space area that that previously approved for the single storey dwellings through DP13/0874.

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, clause 7.5 and clause 7.6 of the Scheme respectively, as approved.

2. 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 were received.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The application commended the following as merits:
 - a) This proposed development will provide four additional units available for rental at the affordable end of the housing market;
 - b) The two ground floor units will be fully wheelchair-accessible with disabled accessible carparks located close to each unit;
 - c) This proposal completes the development of this large lot, removing an open area that has been unsightly and a source of dust; and

- d) The streetscape will be enhanced with active frontages and landscaping, and all vehicles parked out of sight of the public road.

The proposed development is expected to be compatible with existing and future development within the immediate locality, contribute to the range of housing available in Alice Springs, including for persons with reduced or impaired mobility and offer all residents a good level of amenity without any significant impact on adjoining properties.

- 4. 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.
- 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 and use are of a scale and form expected to be compatible with the established uses and development of adjacent buildings which are also residential. The development is not expected to detract from the amenity of neighbouring properties or the locality. Suitable privacy screening, landscaping and air-conditioner screening may be expected to further assist in ensuring resident and neighbour amenity and the development's integration into the streetscape.
- 6. 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 the streetscape, adjoining properties or the locality.

ACTION: DAS to prepare a Notice of Consent and Development Permit

ITEM 4 **SHED AND CARPORT ADDITIONS TO SINGLE DWELLING (BUILDING SETBACK VARIATIONS TO MULTIPLE BOUNDARIES)**
PA2019/0373 **LOT 6252, 32 MALLAM CRESCENT, SUBURB OF SADADEEN**
APPLICANT/S **Anthony and Sally Anderson**

Anthony Anderson (applicant) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
0120/19 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 6252, 32 Mallam Crescent, Suburb of Sadadeen, Town of Alice Springs for the purpose of shed and carport additions to an existing single dwelling with reduced side and rear 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. Stormwater 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 to the satisfaction of the consent authority.
3. Any new (or alterations to existing arrangements to the) kerb crossover/s and driveway/s (works within the road reserve) to the development approved by this permit are to meet the technical standards of the Alice Springs Town Council, 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, sewerage and electricity services to the development/use shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" for the new development works. 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 construction works.
2. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.
3. A "Permit to Work Within a Road Reserve" will be required from Alice Springs Town Council before commencement of any work within or adjacent to the road reserves.
4. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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.
5. 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.
6. This permit will expire if one of the following circumstances applies:

- (a) the development *and use is/are* not started within *two* years of the date of this permit; or
- (b) the development is not completed within *four* years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the planning scheme that applies to the land to which the application relates. The shed and carport are ancillary to the existing single dwelling and is therefore consistent with the purpose of Zone SD (Single Dwelling Residential) of the NT Planning Scheme. With the exception of Clause 7.3 (Building Setbacks of Residential Buildings) the shed and carport are compliant with all other provisions of the Scheme.

Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, to allow:

- (a) the carport to have a reduced building setback to southern side boundary of:
 - o 1.2m to the support column where a 1.5m setback is required; and
 - o 0.1m to the roof eave where a 0.6m setback is required;
- (b) the walls of the brick shed to have a reduced building setbacks of 0.05m to the rear and northern side boundaries where 1m setbacks are required in both instances. No roof eaves/gutters to these boundaries are shown on the drawings.

2. Variations are granted to the side and rear building setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme of the Northern Territory Planning Scheme as:

- due to the shape and slope of the allotment, footprint of the existing single dwelling and established landscaping on the site, the rear of the site is unconstrained and considered the most suitable location for development of the shed;
 - the footprint and design of the structures are consistent with other ancillary structures in the locality;
 - The proposal is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme;
 - No adverse effects of building massing are anticipated as dwellings on the abutting properties are not located within close proximity and the carport will be partially screened by solid fencing;
 - No overlooking or overshadowing issues affecting adjacent or nearby land are evident on account of the reduced side and rear setbacks (the shed will have a fire rated brick wall facing the boundaries);
 - The roof pitch, colours and brick construction of the shed building is compatible the design of the single dwelling on the site and other structures along Mallam Crescent;
 - The dimensions of the carport will allow two vehicles to be parked side by side under it;
 - The buildings are under the maximum height permitted within Zone SD
- In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of variations to Clause 7.3 of the Scheme.

3. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.

The application identified merits of the design, use and locations of the new structures including:

- the proposed carport will replace the existing dilapidated structure;
 - it will provide undercover parking for 2 vehicles against the elements of the weather;
 - the location of the carport does not impact on the functionality of the existing driveway and car parking arrangements on the site;
 - the reduced side setback will allow the carport to align with the driveway, and allow sufficient manoeuvring to exit in a forward gear;
 - the shed will provide valuable storage space for hobbies etc., complete with ablution facilities;
 - noise transfer from the shed to neighbouring properties will be minimised by a solid fire wall;
 - the reduced setbacks for the shed allow maximum usable space of the back yard.
4. Pursuant to section 51(m) of the *Planning Act 1999*, 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: The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of storm water drainage, works within and affecting the road reserves, electricity, sewerage and water services that apply to the development works.
 5. Pursuant to section 51(n) of the *Planning Act 1999*, 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 approval of the shed and carport additions are not expected to have any significant impact on the streetscape or the amenity of the neighbouring properties on account of the reduced side and rear setbacks.
 5. The application was publicly exhibited (neighbour notification) in accordance with the *Planning Act 1999* and *Planning Regulations 2000*. No public submissions were received.

ACTION: DAS to prepare a Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair
22 November 2019