



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 253  
WEDNESDAY 8 APRIL 2020**

**VIA TELECONFERENCE**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Chris Neck, Deepika Mathur,  
Jamie de Brenni, Marli Banks

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Peter Somerville, Benjamin Taylor (Item 3 only),  
Fraser Cormack (Item 2 only), Jennie Ryan

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 10:30 am and closed at 12:30pm**

**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 OFFICE (ANCILLARY TO MEDICAL CLINIC)**

**PA2020/0047 LOT 4440, 10 FLYNN DRIVE, SUBURB OF GILLEN**

**APPLICANT DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS**

Peter Walsh (DIPL) attended the meeting via teleconference and spoke further to the application.

**RESOLVED** That, the Development Consent Authority vary the requirements of Clause  
**0042/20** 6.5.1 (Parking Requirements) of the NT Planning Scheme and pursuant to section 53(a) of the *Planning Act 1999*, consent to the proposed development to install a 14.4m x 3.3m demountable structure to be used as administrative office space for an existing medical clinic staff on Lot 4440 (10) Flynn Drive, Suburb of Gillen, Town of Alice Springs, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered PA2020/0047/1 and PA2020/0047/2 and 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. Before the use 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.
4. 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.
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 plan in accordance with the authorities' requirements and relevant legislation at the time.

**NOTES:**

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

3. The Power and Water Corporation advises that 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. A "Permit to work within a Road Reserve" or similar may be required from the Alice Springs Town Council before commencement of any work or construction access within the road reserves or Lot 3672.
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.

## REASONS

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 office addition is ancillary to the primary use of the land as medical clinic and is therefore consistent with the purpose of Zone CP (Community Purpose) of the NT Planning Scheme, being to *provide for community services and facilities, including facilities for civic and government administration*. With the exception of Clause 6.5.1 (Parking Requirements) and Clause 6.8 (Demountable Structures), the demountable structure is compliant with all other provisions of the Scheme.
2. A reduction of the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:
  - the additional office floor area being an ancillary component to the primary use of the land;
  - off-site car parking areas (on Lot 3672) that are available for use by the medical clinic and ancillary uses on Lot 4440;
  - availability of on street car parking spaces and public transport services within the vicinity of the site;
  - provision of additional car parking bays may compromise the functionality of the car parking areas on Lot 4440 and adversely affect the visual amenity of the site;
  - The application noting that use of the additional office space is not expected to generate the need for additional parking based on the use by existing staff numbers
  - The Development Consent Authority resolving to write to the Department of Health to relay the Alice Springs Town Council's request to improve the current car parking situation on the subject site and use of Lot 3672 for parking.
3. Clause 6.8 (Demountable Structures) of the Northern Territory Planning Scheme specifies a maximum of 2 demountable structures are permitted

on land in Zone CP without consent, a 4<sup>th</sup> demountable structure being placed on the site is supported as:

- The Flynn Drive Renal Clinic provides a critical 7 day service to Alice Springs residents and the greater Central Australian community.
- The additional office space proposed will enable clinic staff to work more effectively and provide improved level of service to the public; and
- The demountable will be visually consistent with other buildings on the subject site and partially screened from the Flynn Drive Oval (Lot 3672) by existing fencing and additional landscaping.

4. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The local authority (Alice Springs Town Council) identified concerns with respect to the assessed car parking shortfall on subject site and the impacts from overflow car parking on Council owned land (Lot 3672 – Flynn Park), the matters raised in the local authority submission have been taken into account by the Authority. The Authority, whilst it is supportive of the current development application for the site, notes that it is generally at capacity for the current use and the Department of Health should work with Council to improve the use of Lot 3672 as a car parking area. No public submissions were received during the exhibition period under section 49 of the *Planning Act 1999* with respect to the proposal.

5. 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:

- a) The Alice Springs Town Council (ASTC) has requirements with respect to storm water drainage, works within the road reserve and access/use of Lot 3672 (Flynn Drive Oval).
- b) The Power and Water Corporation (PAWC) have advised as there are technical requirements for the proposed development with respect to connections to and upgrading of electricity, water and sewerage services.

Standard conditions and advisory notes will address service authorities' technical requirements.

6. 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 demountable structure addition will provide additional office space for existing clinical staff which will result in improved service to renal dialysis patients. The structure will be visually consistent with existing buildings on the site and new landscaping will be provided. The proposal is therefore not expected to have any significant impact on the amenity of adjoining properties as a result of the ancillary office addition.

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

**RESOLVED  
0043/20**

That, the Development Consent Authority write to the Department of Health in regard the matters raised by the Alice Springs Town Council in response to Development Application PA2019/0047. In particular, the Department of Health should work with Council to improve the current parking situation concerning making provision for on-site staff parking and entering into discussions with the Council in respect to continuing use of parts of Lot 3672 (Flynn Drive Oval) as a car park.

**ACTION:** DAS to prepare a letter for the Chair's signature.

**ITEM 2 SUBDIVISION OF 2 LOTS TO CREATE 3 LOTS  
PA2020/0049 LOT 9288 (325) AND LOT 9289 (365) ROSS HWY, SUBURB OF ROSS  
APPLICANT PAMELLA HOOPER**

Mac Moyses and Dr Bill Low (Low Ecological Services) attended the meeting via teleconference and spoke further to the application.

Dilip Nellikat representing the Alice Springs Town Council spoke to the application with respect to Council service authority interests.

**RESOLVED  
0044/20**

That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alter the proposed development and consent to the proposed development as altered to develop Lots 9288 & 9289, Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of a subdivision to create 3 lots (in 2 stages), subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation):
  - a) An amended subdivision layout plan and associated plans, as follows, to the satisfaction of the consent authority, must be submitted to the consent authority. When endorsed, the plans will form part of the permit.
    - (i) The subdivision layout plan/s must be in Adobe PDF format and must be generally in accordance with the plan submitted with the application, but amended to:
      - Include most (or all) of the access/services strip as part of Lot A (i.e. re-design Lot A with a battle-axe layout); and
      - Locate the 'access strip' to better limit the potential for flood impact on the driveway in a 1 percent annual exceedance probability flood event. (The consent authority may, at its discretion, endorse a suitably revised lot layout that includes lots no smaller than 2ha); and
      - Show the proposed subdivision in two stages, with the first stage plan showing:
        - the division of Lot 9289 into 3 parcels; and
        - (if part of Lot 9288 is to be consolidated with part of Lot 9289 to create one of the smaller lots) the division of Lot 9288 into 2 parcels; and
      - the second stage plan showing the 3 new parcels (i.e. two smaller lots and one larger lot that includes Lot 9288 (or the bulk thereof) plus the remainder (southern part) of Lot 9289).

- (ii) A driveway plan is required for the driveway from the Baldissera Drive boundary to the eastern side of the main part of the western lot, including details of construction technique generally consistent with concepts described in the Land Suitability and Stormwater Drainage Assessments included in the development application, to the satisfaction of the consent authority. (It is envisaged that the driveway will be constructed using suitable imported materials with a view to ensuring a durable access to Lot A and minimising the potential for any adverse downstream impact; and with material levelled into a shallow boxed-out type excavation rather than simply compacted over the natural ground surface, to avoid any instance of sheet flows down the slope meeting an obstacle that will concentrate flows along the up-slope side of the track and the almost certain creation of down-cutting drains across the driveways).
  - (iii) A fence plan is required, providing details of proposed fencing to be effected as part of the subdivision (fencing and associated works should be designed with a view to avoiding concentration of flows along boundaries that cross contours).
2. Written confirmation from a suitably qualified person (e.g. a suitably qualified environmental consultant) or the Land Management Unit, Department of Environment and Natural Resources, is required of the general suitability of the revised boundary alignments and driveway and fence plans.

Conditions precedent responses may be directed to the consent authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, by email: [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au), for attention Alice Springs Branch.

## **GENERAL CONDITIONS**

- 3. The works, including but not limited to services, boundary fencing and driveways carried out under this permit shall be in accordance with the plans endorsed by the consent authority as forming part of this permit.
- 4. Stage 1 and Stage 2 of the subdivision must be shown on a single survey plan and Land Titles must not be issued prior to Stage 2 consolidation is complete.
- 5. 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](http://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.
- 6. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.

7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities and telecommunication services to the two smaller lots to be created through the subdivision in accordance with the authorities' requirements and relevant legislation at the time.
8. Engineering design and specifications for the proposed stormwater drainage and vehicular access, are to be to the technical requirements of Alice Springs Town Council and the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics respectively, as relevant, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
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 satisfaction of the consent authority on technical advice from the Alice Springs Town Council and the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics respectively.
10. Before the issue of titles, firebreak/s must be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Service.
11. A right-of-way easement as shown on the subdivision plan endorsed as forming part of this development permit is to be created on the plan of subdivision submitted for approval by the Surveyor General. If the approved plan/s for the subdivision do not include such an easement, this condition is redundant.
12. Before a certificate under "Part 5" of the *Planning Act 1999* is issued for this permit, pursuant to section 34 of the *Land Title Act 2000*, a Caution Notice shall be lodged with the Registrar General on Lot 9288 and Lot 9289 Ross Highway, Town of Alice Springs. The Caution Notice is to state that: "This allotment (or part thereof) is subject to inundation in a one percent annual exceedance probability flood event". Evidence of registration of the notice is 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 and Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics respectively, as relevant, 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. You are advised to contact 'Dial Before You Dig' prior to any excavation work.
4. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
5. 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 proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by the Department of Environment and Natural Resources. 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.
6. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.
7. The subject site is located within the Alice Springs Erosion Hazard Area as declared under the *Soil Conservation and Land Utilisation Act 1969*. 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. For further information, contact the Land Development Coordination Branch: (08) 8999 4446.
8. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment and Natural Resources.
9. 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.
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>

11. Post-subdivision development of the land is subject to land clearing controls contained in the NT Planning Scheme.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed subdivision will create two lots, each of which is expected to be suitable for rural living use with the form of development reasonably expected within Zone RL (Rural Living) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.
2. Given the length of the access to proposed Lot A and that the easement would form part of Lot B, the owners of Lot B would be burdened with maintenance costs and responsibilities for the entire driveway, with likely benefit of only a small portion. It is envisaged that a more equitable arrangement could be achieved with either:
  - a) Most of the access/services strip as part of Lot A (i.e. a battle-axe lot layout) with only a limited length of right-of-way easement adjacent to the eastern side of Lot 9289; or
  - b) The entire access/services strip as part of Lot A (i.e. a battle-axe lot layout) with no right-of-way easement.
3. Construction of the driveway and fencing as part of the subdivision works may be expected to assist in ensuring that the lots created are established in a manner that supports sustainable development and use for single dwelling and appropriate ancillary use.
4. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any proposed amendments to such a planning scheme:
  - (a) That have been or are on exhibition under Part 2, Division 3;
  - (b) In respect of which a decision has not been made under Part 2, Division 5; and
  - (c) That are relevant to the development proposed in the development application;

A proposed Planning Scheme Amendment (PA2020/0031) is relevant to this application. On 6 March 2020, a Planning Scheme Amendment that proposes to repeal the current Northern Territory Planning Scheme and introduce the Northern Territory Planning Scheme 2020 (NTPS2020) commenced exhibition.

The consent authority noted that the application had been reviewed with regard to the proposed Planning Scheme and that Development

Assessment Services envisaged that the proposed changes to the Scheme would have minimal impact on the recommendations to the consent authority. The consent authority noted that it would lose the discretion to approve lots smaller than 2ha and that no variation to the minimum lot size has been sought; and envisaged that the proposed change to the Scheme was unlikely to be critical to the viability of the subdivision.

5. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited in accordance with the Act and Regulations and no public or local authority submissions were received.
6. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The application was prepared by environmental consultants, providing detailed analysis of site conditions and outlining strategies to manage erosion. The application concluded that the land is capable of accommodating the proposed subdivision to facilitate rural residential use without any undue impact on the site or adjoining properties. The permit conditions and advisory notes are expected to assist in ensuring that the land is subdivided in an orderly manner that appropriately recognises the characteristics of the site.
7. Pursuant to section 51(m) of the *Planning Act*, the consent authority must 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 and notes:
  - (a) The Alice Springs Town Council (Council) has recommended standard permit conditions relating to stormwater drainage and site access and the conditions of approval may be expected to duly recognise its interests; and
  - (b) The Power and Water Corporation (PAWC) has advised that it has identified standard requirements relating to PAWC interests. The conditions of this permit are expected to ensure that PAWC's interests and requirements are duly recognised and that the proposed lots are serviced in an orderly manner. While the Power and Water Corporation has noted that full fire-fighting coverage of the lots cannot be achieved from hydrants, NT Fire and Rescue Service has not identified any objection to the subdivision and it is envisaged that water could be carted to the site if required.
8. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed subdivision is expected to facilitate further development of part of the site for rural residential use. Neither subdivision works nor post-subdivision development is expected to unduly impact on the amenity of other properties or the locality, subject to compliance with relevant statutory and legislated requirements.

9. Pursuant to section 51(r) of the *Planning Act* the consent authority must take into consideration any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act*.

The application identified that according to an Abstract of Records obtained from the Aboriginal Areas Protection Authority there are no registered sacred sites on Lot 9289 and the Authority does not have a record of any other sacred sites located on the parcel of land. The entire adjacent parcel, Lot 2421 to the north, is a registered site. While the Abstract of Records indicates that four Restricted Work Areas apply to Lot 9289 a viewing of the Authority Certificate Public Register found these to actually relate to past major subdivision applications to the north and east of the subject land and that Lot 9289 is unaffected for the purpose of potential future development. The permit includes a standard advisory note regarding sacred sites.

The Department of Environment and Natural Resources Land Management Unit has advised that the site is located within the Greater MacDonnell Ranges Site of Conservation Significance but has not identified any anticipated or likely impact on conservation values.

The proposed subdivision has been designed and approved with regard to the sacred sites restrictions. With the exception of providing services, firebreaks and fencing and erosion control works, no subdivision works are proposed. The proposed subdivision is not expected to have any significant impact on natural, social, cultural or heritage values related to the site or the immediate surrounding area. Conditions and notes are expected to assist in ensuring the orderly servicing and subdivision of the land in a manner that duly recognises natural and cultural values.

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

**ITEM 3**            **30 x MULTIPLE DWELLINGS, COMPRISING 3 BEDROOM, 1 & 2 STOREY TOWNHOUSES (IN 3 STAGES)**  
**PA2020/0058**   **LOT 2663, 19 SOUTH TERRACE, SUBURB OF THE GAP**  
**APPLICANT**   **GRAHAM FAMILY TRUST**

Paul Graham attended the meeting via teleconference and spoke further to the application.

**RESOLVED**        That, the Development Consent Authority vary the requirements of Clause 7.1.1  
**0045/20**            (Residential Density Limitations) and Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m and for Residential Buildings Over 4 Storeys in Height) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 2663, 19 South Terrace, Suburb of The Gap, Town of Alice Springs for the purpose of 30 x 3 bedroom multiple dwellings in 4 x 2 storey and 12 x 1 storey buildings in 3 stages, subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to commencement of works (including site preparation), amended plans are to be submitted for endorsement by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited with the application, but further amended to show:
  - (a) A revised parking layout for the single storey dwellings (Units 1 to 11 and Units 20 to 30) such that separate access to each car parking space is possible in a 90° arrangement;
  - (b) Improvements to driveway treatment and driver sightlines adjacent to Units 12, 13, 14 and 15 such that pedestrian safety is maximised to/from the communal open space area;
  - (c) Amended dimensions of the (parallel) visitor car parking bays such that it can be demonstrated that the design of these parking areas comply with sub-clause 3(h) of Clause 6.5.3 of the NT Planning Scheme
  - (d) Verification from a Licensed Surveyor of the “ground level” (as defined in the NT Planning Scheme) of Lot 2663. The level/s shall be provided in AHD (Australian Height Datum);
  - (e) Proposed finished levels for the site in AHD (including finished levels for driveways and car parking areas, private open space areas and finished floor levels of dwellings);
  - (f) updated cross-sections and longitudinal sections to show the relationship between structures and their respective heights above “ground level” of the site as defined in the NT Planning Scheme;
  - (g) Proposed locations of the:
    - i. PAWC electricity substation required for the site (refer to letter from PAWC dated 18/03/2020);
    - ii. water and electricity meters for the development; and
    - iii. fire hydrant booster (if required)
  - (h) Floor plan, elevations and building setback details of the proposed shed (in the communal open space area);
  - (i) The position of the access easement granted over Lot 6441 (LTO dealing no. 169971) noted on the site plan;
  - (j) Details of staging of the development (stage boundaries and associated works for each stage referred to in the Statement of Effect annotated on a separate site plan).
  - (k) Air conditioning units located above the modelled 1% AEP flood height;
  - (l) Details of privacy screening designed/selected to minimise the potential for overlooking into dwellings and private open space areas on adjoining residential properties. Fencing should be a minimum of height 1.8m above the finished floor levels of the dwellings on Lot 2663, but may include both solid and open (for example lattice type) fencing;
  - (m) Details of any proposed retaining walls for containment of fill; and
  - (n) Surface treatments and irrigation arrangements for landscaped and private open space areas.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

## **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority
4. 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, sewerage, electricity and telecommunication services to the development shown on the endorsed plans 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. All substation, fire booster and water meter arrangements are to be appropriately screened/finished 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 NT Fire and Rescue Service.
8. 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.
9. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.
10. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall;
  - (a) remove any disused vehicle and/or pedestrian crossovers; and
  - (b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council, to the satisfaction of the consent authority.
11. 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.
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 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. Occupancy Certification (under the *Building Act 1993*) will not be able to be granted until such time as addressing is obtained.
13. 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 [waterdevelopmentsouth@powerwater.com.au](mailto:waterdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).

14. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscaping plan must be carried out and completed, in accordance with the endorsed plans, to the satisfaction of the consent authority.
15. 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.
16. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) line marked or otherwise suitably delineated to indicate each car parking space;
  - (d) surfaced with an all-weather-seal coat; and
  - (e) drained;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
17. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
18. 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.
19. Before a Certificate of Compliance (section 65 of the *Planning Act 1999*) can be issued and pursuant to section 34 of the *Land Title Act 2000*, a Caution Notice shall be lodged with the Registrar General on the land title (Lot 2663, Town of Alice Springs) to include the following advice. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP (Annual Exceedance Probability) Defined Flood Event". Evidence of lodgement on the land title shall be provided to the satisfaction of the consent authority.
20. The finished ground floor levels of habitable rooms of the dwellings must be no lower than 572.55 metres Australian Height Datum. The developer shall demonstrate compliance with this condition by providing "as constructed" finished levels of each dwelling, confirmed by a Licensed Surveyor. This condition is to the satisfaction of the Development Consent Authority.
21. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

## 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. Prior to applying for building approval and works commencing, 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" is required from the Alice Springs Town Council before commencement of any work within the road reserves (South Terrace and Gap Road).
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopmentsouth@powerwater.com.au](mailto:waterdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955355 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
6. 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.
7. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. 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.

10. 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.
11. 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>
12. 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 proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR. 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. Amended drawings are required:
  - (a) as the Authority does not support the proposed “stack” car parking arrangements for the single storey dwellings – the amended design will improve the development to comply with the objectives and performance criteria of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme, in particular that each car parking spaces is functional, can be accessed separately and sightlines within the driveway areas are maintained;
  - (b) To show the details of the proposed shed within the common property area (as these were not included with the application);
  - (c) To demonstrate compliance with the objectives and performance criteria of Clause 7.5 (Private Open Space) of the NT Planning Scheme with respect to fencing/screening of private open space areas;
  - (d) To achieve compliance with the performance criteria of Clause 6.14 (Land Subject to Flooding and Storm Surge) of the NT Planning Scheme; and
  - (e) To ensure the design of the development takes into account the need to accommodate service infrastructure (electrical substation and utility meters).



2. 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 proposal is consistent with the:
  - (a) Planning Principles relevant residential development set out in Clause 4.1 and Clause 4.3 of the NT Planning Scheme;
  - (b) Strategic guidance for residential development set out in the Alice Springs Regional Land Use Plan (a policy document listed in Clause 2.7 of the NT Planning Scheme); and
  - (c) Primary purpose of Zone MR (Medium Density Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the one and two storey design and building setbacks of the development are considered compatible with the streetscape and other developments in The Gap.
  
3. A variation to Clause 7.1.1 (Residential Density Limitations) of the NT Planning Scheme is considered justified in this instance as:
  - (a) The redesign of the garages and parking spaces of the single storey dwellings and visitor car parking spaces will ensure the car parking layout for those areas complies with the objectives and performance criteria contained in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
  - (b) There is no evidence to suggest that the existing reticulated services cannot be upgraded or community facilities and public infrastructure in the area cannot support the proposed development and the proposal is consistent with land capability. Conditions on the Development Permit will ensure the development is constructed in accordance with service authority requirements;
  - (c) The development is under the three storey (to 14m) building height limitation that applies to MR zoned land in Alice Springs;
  - (d) The design is considered to be compatible with the architectural style, site coverage, heights, building setbacks and landscaping of other developments in the vicinity of the site; and
  - (e) The proposed dwelling density is consistent with the planning principle of Clause 4.3(a) of the NT Planning Scheme for Alice Springs which aims to "provide for orderly development catering for a growing population maximising options for urban infill".
  
4. The Development Consent Authority grants a variation to sub-clause 2 of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18m) of the NT Planning Scheme to allow for single storey buildings (Unit 1 and Unit 30) with a reduced primary street boundary as:
  - (a) The design of Unit 3 allows for a recess (outdoor patios) to break up the overall building bulk;
  - (b) The buildings are single storey with a relatively low roof profile; and
  - (c) The external wall material comprises multiple colours and textures to assist visual relief for the streetscape.
  - (d) There will be no overlooking or visual bulk impacts to the adjacent properties;
  - (e) Lot 5805 (on the east side of the South Terrace) is open space reserve (Todd River);
  - (f) boundary fencing and landscaping (once mature) may assist in breaking up the visual bulk of the building when viewed from the street (South Terrace); these combined factors are considered to be a suitable response to sub-clause 5 of Clause 7.3.1.

5. Pursuant to section 51(j) of the *Planning Act 1999*, 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. Filling of the site will be limited to building pads / foundations of the dwellings. The site and floor layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use.
6. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any proposed amendments to such a planning scheme:
  - (d) That have been or are on exhibition under Part 2, Division 3;
  - (e) In respect of which a decision has not been made under Part 2, Division 5; and
  - (f) That are relevant to the development proposed in the development application;

A proposed Planning Scheme Amendment (PA2020/0031) is relevant to this application. On 6 March 2020, a Planning Scheme Amendment that proposes to repeal the current Northern Territory Planning Scheme and introduce the Northern Territory Planning Scheme 2020 (NTPS2020) commenced exhibition.

The consent authority noted that the application had been reviewed with regard to the proposed Planning Scheme and that Development Assessment Services envisaged that the proposed changes to the Scheme would have minimal impact on the recommendations to the consent authority.

7. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and 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 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 development (as altered and approved) is considered to be appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, expected to fulfil the objectives of the scheme.
9. Pursuant to section 51(p) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the public interest. The site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring that future owners / occupants of the multiple dwellings are aware of the flood liability and associated potential hazards and inconveniences.

10. The application was exhibited in accordance with the requirements of 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

20 April 2020