



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

#### **MINUTES**

**MEETING No. 257 – WEDNESDAY 12 AUGUST 2020**

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

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

**APOLOGIES:** Nil  
**LEAVE OF ABSENCE:** Nil

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

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 12:40pm and closed at 2:10pm**

**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            RETROSPECTIVE APPROVAL FOR AN INDEPENDENT UNIT IN A DEFINED FLOOD AREA (DFA) WITH A FLOOR AREA EXCEEDING 50M2**

**PA2020/0054    LOT 1371, 2 BALLINGALL STREET, SUBURB OF THE GAP**

**APPLICANT    Hazel Volk**

Owner/Applicant did not attend the meeting

Dilip Nellikat advised that the Alice Springs Town Council had no further comments in relation to the application.

**RESOLVED  
0104/20**

That, pursuant to section 53(a) of the Planning Act 1999, the Development Consent Authority varies the requirements of Clause 3.6 (Land Subject to Flooding), Clause 5.4.6 (Private Open Space) and Clause 5.4.13 (Dwelling-Independent) and pursuant to section 53(a) of the *Planning Act 1999*, consent to the development for an dwelling-independent on Lot 1371 (2) Ballingall Street, Suburb of The Gap, Town of Alice Springs, subject to the following conditions:

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings submitted with the application and endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.

**NOTES**

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@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.

**REASONS**

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account any planning scheme that applies to the land to which the application relates. The proposed dwelling-independent addition:
  - a) Is of a form, scale and character that may reasonably be expected within Zone LMR (Low to Medium Density Residential);
  - b) Generally complies with relevant requirements of the Planning Scheme; and
  - c) Is expected to be compatible with the existing development within the immediate locality.
2. Variations are granted to the Clause 3.6 (LSF - Land Subject to Flooding) of the Northern Territory Planning Scheme as:
  - The dwelling and garage were originally built around 1982, prior to the introduction of the Planning Scheme;
  - The garage was later converted (approximately mid 90's) into an independent unit;
  - The applicant has had existing power points raised 700mm;
  - The proposed dwelling-independent is an existing structure, therefore it is impractical to raise the floor level above flood level; and
  - No increased risk is envisaged to the development or surrounding property as a result of the use of the existing building as a dwelling-independent.
3. Variations are granted to the Clause 5.4.6 (Private Open Space) of the Northern Territory Planning Scheme as:
  - A significant portion of the site (300m<sup>2</sup>) is available as private open space for the dwelling-independent;
  - The dwelling-independent meets the 'all or partly covered' requirement of 36m<sup>2</sup>;
  - Mature landscaping and solid boundary fencing provide privacy screening to both dwellings; and
  - A new post and rail fence, 27.4m long and 1.8m high is proposed to provide privacy barrier between the two dwellings.
4. Variations are granted to the Clause 5.4.13 (Dwelling-Independent) of the Northern Territory Planning Scheme as:
  - The footprint of the building (originally a garage) is existing and was converted during the mid-1990s by previous owners;
  - The increased floor area is not expected to impact on the amenity of the site or on neighbouring properties;
  - Requirements for areas of private open space are largely met; and
  - Parking requirements are met.
5. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, of the 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. No public or local authority submissions were received under Section 49 of the *Planning Act 1999* with respect to the proposal.
6. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, of the 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 conditions and advisory notes of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and

affecting the road reserves, stormwater drainage and electricity, sewerage and water services.

7. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The dwelling-independent is not expected to have any material impact upon the amenity of any neighbouring properties or the streetscape.

**FOR: 4                      AGAINST: 0                      ABSTAIN: 0**

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

**ITEM 2                      CHANGE OF USE (PART OF BUILDING) TO MEDICAL CLINIC**  
**PA2020/0193                      LOT 6736, 5 LEICHHARDT TERRACE, TOWN OF ALICE SPRINGS**

**APPLICANT                      Department of Infrastructure, Planning and Logistics**

Shanil Hameed (Hodgkison Architects), Erin Pietsch (Department of Infrastructure Planning and Logistics) and Ty Mark (Central Australia Health Service) attended the meeting. Shanil Hameed and Ty Mark spoke further to the application.

Dilip Nellikat spoke to the Alice Springs Town Council comment and added to the comment.

**RESOLVED                      That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent**  
**0105/20                      Authority varies the requirements of Clause 3.6 (LSF – Land Subject to Flooding) and**  
**Clause 5.2.4.1 (Parking Requirements) and pursuant to section 53(a) of the *Planning***  
**Act 1999, consents to the application to develop Lot 6736 (5) Leichhardt Terrace, Town**  
**of Alice Springs, for the purpose of a change of use of part of the building to medical**  
**clinic, subject to the following conditions and for the following reasons:**

**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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development, in accordance with the authorities' requirements and relevant legislation at the time, to the satisfaction of the consent authority.
3. 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.
4. All waste material not required for further on-site processing must be regularly removed from the site to an approved facility. All vehicles removing waste must have fully secured and contained loads so that no wastes are spilled or dust or odour is created to the satisfaction of the consent authority.

**NOTES:**

1. This development permit does not grant "building approval" for the proposed works 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. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act, 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or [ntepa@nt.gov.au](mailto:ntepa@nt.gov.au).
4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public & Environmental Health Act 2011*, & *Regulations 2014*, the *NT Food Act 2004* and the National Food Safety Standards.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. The Alice Springs Town Council has advised that the permits are available for reserved parking within the nearby Hartley Street car park, on a first come first served basis. Details may be obtained from the Council on 89500500 or online at <https://alicesprings.nt.gov.au/>.
7. This permit will expire if one of the following circumstances applies:
  - (a) the development and use is/are not started within two years of the date of this permit; or
  - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed medical clinic development and use, as approved, is considered appropriate to Zone CB (Central Business) 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. An assessment against Clause 5.2.4.1 (Parking Requirements) of the NT Planning Scheme identifies that the proposed use has a requirement for an additional 5 car parking spaces. The Authority noted that this was an existing building with an approved parking shortfall of 28 spaces pursuant to the permit granted in 1984. Further all spaces provided with the building are secured parking, not readily available to members of the public. A reduction to the parking required under Clause 5.2.4.1 (Parking Requirements), pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements) of the Scheme is considered suitable as:
  - The consulting rooms will occupy existing office floor area;
  - Clients are able to access other services whilst in the CBD;

- There is public parking available within walking distance i.e. Alice Plaza, Anzac Oval, and Leichhardt Terrace;
- Public transport is close by including bus and taxi services;
- The nature of the consultations is expected to be longer compared to that of a standard (15 minute) consult for a visit to a General Practitioner, therefore a constant flow of clients is not expected;
- The consulting rooms are generally not all used at the same time; and
- A variation of the requirement to provide an additional 5 on-site car parking spaces is considered appropriate given the nature of the proposed use.

These circumstances are considered to justify the granting of a variation to clause 5.2.4.1 and the objective of the clause is expected to be met.

3. An assessment against Clause 3.6 (LSF – Land subject to Flooding) of the NT Planning Scheme identifies that the land is liable up to 2.0m in a 1 in 100 year event across the entire property. A variation is considered appropriate as
  - The building currently houses office space and a clinic on the ground floor; and
  - There are no habitable rooms (for residential purposes) with the development.

These circumstances are considered to justify the granting of a variation to clause 3.6 and the objective of the clause is expected to be met.

4. Pursuant to section 51(e) of the *Planning Act 1999*, 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. No public or local authority submissions were received under section 49 of the Act.
5. 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 including:
  - The site is of adequate size and shape for the proposed use being sought;
  - The site is located within the CBD, providing easy access for community members;
  - The proposed use will add to commercial diversity within the Alice Springs Central Business area, and help to relieve the pressure at the local hospital in terms of offering much needed choices of medical services in town; and
  - The 'change of use' will utilise a tenancy within an existing building.
6. Pursuant to section 51(j) of the *Planning Act 1999*, 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 land is expected to be capable of supporting the proposed development without undue impact on other land.
7. Pursuant to section 51(m) of the *Planning Act 1999*, 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. The relevant roads and stormwater drainage authorities have not identified any concerns or requirements and the conditions of approval may be expected to assist in ensuring that the Power and Water Corporations requirements are duly addressed.

8. Pursuant to section 51(n) of the *Planning Act 1999* 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. It is not envisaged that the proposed medical clinic and offices will adversely impact on the amenity of adjoining properties or the locality.
9. Pursuant to section 51(r) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account any potential impact on natural, social, cultural or heritage values. There are no social, cultural or heritage values that affect this site.

**FOR:** 4      **AGAINST:** 0      **ABSTAIN:** 0

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

**ITEM 3**                    **1/ CHANGES TO MOTOR REPAIR STATION AND MOTOR BODY WORKS**  
**PA2020/0190**            **INCLUDING ALTERATIONS TO CAR PARKING LAYOUT AND LANDSCAPING**  
**(UPGRADING DEVELOPMENT TO FACILITATE SUBDIVISION FOR THE**  
**PURPOSE OF A UNIT TITLES SCHEME).**  
**2/ UNIT TITLE SCHEME SUBDIVISION TO CREATE 2 UNITS AND COMMON**  
**PROPERTY**  
**LOT 537, 3 HELE CRESCENT, SUBURB OF CICCONE**

**APPLICANT**      **SDARC PTY LTD (SUSAN DUGDALE & ASSOCIATES)**

Miriam Wallace (SCARC Pty Ltd representing the applicant) and Peer Schroter an owner attended the meeting and spoke to the application.

Dilip Nellikat spoke to the Alice Springs Town Council comment and added to the comment.

**RESOLVED**      That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent  
**0106/20**            Authority varies the requirements of Clause 5.2.4.1 (Parking Requirements); Clause  
5.2.4.3 (Parking Layouts), Clause 5.2.6 (Landscaping), Clause 5.6.1 (Setbacks and  
Building Design in Zones LI, GI and DV), Clause 5.6.3 (Motor Body Works and Motor  
Repair Station) and alters the proposed development and consents to the proposed  
development as altered to develop Lot 537 (3), Hele Crescent, Suburb of Ciccone, Town  
of Alice Springs for the purpose of changes to light industry (sheds and office adjacent to  
north-eastern boundary – Proposed Unit 1) and motor body works (shed and office  
adjacent to south-western side boundary – Proposed Unit 2) and including alterations to  
car parking layout and landscaping (upgrading development to facilitate subdivision for  
the purpose of a unit titles scheme to create 2 units and common property), subject to the  
following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans, 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. The plan/s must be in Adobe PDF format and must be generally in accordance with the Drawing titled Project P637, Drawing A1 dated 25/05/20 and submitted with the application, but amended to:
  - a) Clearly detail the parking layout and landscaping to the front of the site;  
If all or part of the 'concrete apron' between the building and the street is to form part of the on-site car parking:
    - (i) the plan must be amended to detail it accordingly; and

- (ii) written support of the Alice Springs Town Council for the amended site plan and parking layout as it relates to the front of the site is required);
- b) Landscaping and parking layout should be selected and/or designed:
  - (i) To enhance the amenity of the streetscape;
  - (ii) To contribute to a safe, attractive and legible industrial environment;
  - (iii) So that it does not detrimentally impact on the capacity, safety or efficient operation of the local road and footpath network;
  - (iv) To provide sight lines for vehicles accessing and egressing the site;
  - (v) To provide passive surveillance opportunities to and from the front of the site
- c) Locate the Unit 1 parking space for persons with a disability such that it provides convenient access for persons with a disability; and
- d) Provide a loading bay to Unit 2 that does not encroach into the 6m wide driveway aisle.

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**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. The 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. 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.



10. 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.
11. 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) sealed;
  - 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.
12. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the consent authority.
13. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

## 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](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
5. 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
6. <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
7. You are advised to contact Dial Before You Dig and arrange for any relocation if required.

8. 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>.
9. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.

## 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. An amendment to the *Planning Act 1999* took effect on 31 July 2020. The amendment to the *Planning Act 1999* includes transitional provisions in section 167(2) which states: *If:*
  - *an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and*
  - *a hearing in respect of the application had not been commenced under the former Act,**this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.*

Subsequent to the subject application and an associated unit title scheme subdivision application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. At the time the applications were submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. Because the applications were not heard before the commencement of the amendment to the *Planning Act 1999*, and to satisfy the requirements of Section 51 of the *Planning Act 1999*, the applications were required to be assessed against NTPS 2020. The proposal was assessed against the requirements of the *Planning Act 1999* (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

Consent was sought for the proposed development and use of the land for the purposes of motor body works and/or motor repair station and/or light industry uses, recognising changes from the originally approved and established development of the site and upgrades to facilitate subdivision for the purpose of a unit title scheme to create 2 units and common property.

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality.

Variations to Clause 5.2.4.1 (Parking Requirements); Clause 5.2.4.3 (Parking Layouts); Clause 5.2.6 (Landscaping); Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV); and Clause 5.6.3 (Motor Body Works and Motor Repair Station) are granted subject to relevant conditions that may be expected to assist in ensuring that the development and use of the land accords with the purposes of the applicable provisions as well as the zone (i.e. Zone LI (Light Industry)) and that older developments are suitably upgraded as required by Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme).

2. Pursuant to section 51(e) of the *Planning Act 1999*, 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 not required to be publicly exhibited and no local authority submissions were received.
3. Pursuant to section 51(j) of the *Planning Act 1999*, 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 proposal involves minimal changes to a long established development. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment and Natural Resources has identified any issues of concern in terms of land capability or suitability.
4. Pursuant to section 51(m) of the *Planning Act 1999*, 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) 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 conditions precedent allow, but do not require the provision of additional parking spaces to the front of the site, subject to the written support of the Alice Springs Town Council, recognising that: there is currently a de facto parking area at the front of the site; and that Council is the relevant road authority that would need to support any such parking layout; and that there may be merit in providing some such parking.
  - c) The Power and Water Corporation (PAWC) has advised that it has identified standard requirements relating to PAWC interests. The conditions of approval are expected to assist in ensuring that PAWC's interests and requirements are duly recognised.
5. Pursuant to section 51(n) of the *Planning Act 1999* 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 'upgrades' application proposal minimal alterations to the existing development of the site. Although building locations and sealed areas on the site generally reflect plans originally endorsed for the site, landscaping is significantly less than originally approved and parking areas have been moved towards the rear of the site. In addition, a de facto parking area has been established at the front of the site. It is envisaged that the amenity of the site and streetscape could be improved by rationalising the de facto parking area at the front of the site and better landscaping areas at the front of the site not set aside for parking.
6. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration (p) the public interest, including (if relevant) how the following matters are provided for in the application;
  - a) community safety through crime prevention principles in design;
  - b) water safety; and
  - c) access for persons with disabilities

The community safety design guide promotes community safety through crime prevention principles in design. The proposed site layout provides good passive surveillance opportunities to the front of the site. It is recommended that any landscaping to the front of the site be selected with a view to maintaining good

passive surveillance opportunities and providing clear sight lines for vehicles entering and exiting the site.

The upgrades application proposes a disabled accessible parking space for each unit. The Unit 1 space is not conveniently accessible. The conditions of approval require the relocation of the Unit 1 space.

7. Pursuant to section 51(r) of the *Planning Act 1999* 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*. No issues of relevance have been identified.

**FOR: 4      AGAINST: 0      ABSTAIN: 0**

## **RESOLUTION 2 (SUBDIVISION)**

**RESOLVED  
0107/20**

That, pursuant to section 53(b) of the *Planning Act 1999*, the Development Consent Authority alters the proposed development and consents to the proposed development as altered to develop Lot 537 (3), Hele Crescent, Suburb of Ciccone, Town of Alice Springs for the purpose of subdivision for the purpose of a unit titles scheme to create 2 units and common property, subject to the following conditions:

### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), an amended plan, as follows, to the satisfaction of the consent authority, must be submitted to the consent authority. When endorsed, the plan will form part of the permit. The plan/s must be in Adobe PDF format and must be generally in accordance with the Drawing numbered 010 537 TINERA (PEER) P1 and submitted with the application, but amended (if necessary) to reflect a site plan endorsed by the consent authority as part of an upgrade to the development for light industry (Unit 1) and motor body works (Unit 2) uses, to facilitate unit title subdivision.
2. Prior to the endorsement of plans and prior to commencement of works a report from a building certifier is to be provided, within the meaning of the *Building Act 1993* confirming that proposed subdivision will not result in non-compliance with the *Building Act* and that all necessary upgrades and works to the development to ensure that, have been completed.

### **GENERAL CONDITIONS**

3. Subdivision under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created on the plan of subdivision submitted for approval by the Surveyor General.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities in accordance with the authorities' requirements and relevant legislation at the time.

7. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
8. Part V Clearance for subdivision into units under the *Unit Titles Scheme Act 2009* will not be granted until the relevant Certificate of Compliance has been issued for a development permit consenting to upgrades and alterations to the site and obtained in order to facilitate unit titling of the site in accordance with this permit.
9. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both [landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
10. Prior to new titles being issued for the units shown on the endorsed drawings, 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 [landdevelopmentnorth@powerwater.com.au](mailto:landdevelopmentnorth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
11. Prior to new titles being issued, it shall be confirmed by the consent authority that any areas shown on the plans endorsed by the consent authority through a development permit consenting to upgrades and alterations to the site and obtained in order to facilitate unit set aside as shared driveways or other shared amenities are shown on the survey plan as Common Property.

## 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. An amendment to the *Planning Act 1999* took effect on 31 July 2020. The amendment to the *Planning Act 1999* includes transitional provisions in section 167(2) which states: *If:*
  - *an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and*
  - *a hearing in respect of the application had not been commenced under the former Act,**this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.*

Subsequent to the subject application and an associated application to upgrade the existing development being submitted, the Northern Territory Planning Scheme (2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. At the time the applications were submitted, the Northern Territory Planning Scheme (2007) was in effect, and was addressed by the applicant in the Statement of Effect. Because the applications were not heard before the commencement of the amendment to the *Planning Act 1999*, and to satisfy the requirements of Section 51 of the *Planning Act 1999*, the application is required to be assessed against NTPS2020. The proposal was assessed against the requirements

of the *Planning Act 1999* (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

Consent was sought for the proposed development and use of the land for the purposes of motor body works and/or motor repair station and/or light industry uses, recognising changes from the originally approved and established development of the site and upgrades to facilitate subdivision for the purpose of a unit title scheme to create 2 units and common property. The applicant clarified at the hearing of the application that consent was sought for Unit 1 for light industry use and for Unit 2 for motor body works use in terms of the NT Planning Scheme.

The proposed development and subdivision as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality.

Variations to Clause 5.2.4.1 (Parking Requirements); Clause 5.2.4.3 (Parking Layouts); Clause 5.2.6 (Landscaping); Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV); and Clause 5.6.3 (Motor Body Works and Motor Repair Station) are granted subject to relevant conditions that may be expected to assist in ensuring that the development and use of the land accords with the purposes of the applicable provisions as well as the zone (i.e. Zone LI (Light Industry)) and that older developments are suitably upgraded as required by Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme).

2. Pursuant to section 51(e) of the *Planning Act 1999*, 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 not required to be publicly exhibited and no local authority submissions were received.
3. Pursuant to section 51(j) of the *Planning Act 1999*, 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 proposal involves minimal changes to a long established development. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment and Natural Resources has identified any issues of concern in terms of land capability or suitability.
4. Pursuant to section 51(m) of the *Planning Act 1999*, 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 for the respective permits may be expected to duly recognise its interests; and
  - b) The conditions precedent allow, but do not require the provision of additional parking spaces to the front of the site, subject to the written support of the Alice Springs Town Council, recognising that: there is currently a de facto parking area at the front of the site; and that Council is the relevant road authority that would need to support any such parking layout; and that there may be merit in providing some such parking.
  - c) The Power and Water Corporation (PAWC) has identified standard and development specific requirements relating to PAWC interests. The conditions of

the permits are expected to ensure that PAWC's interests and requirements are duly recognised.

5. Pursuant to section 51(n) of the *Planning Act 1999* 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 'upgrades' application proposal minimal alterations to the existing development of the site. Although building locations and sealed areas on the site generally reflect plans originally endorsed for the site, landscaping is significantly less than originally approved and parking areas have been moved towards the rear of the site. In addition, a de facto parking area has been established at the front of the site. It is envisaged that the amenity of the site and streetscape could be improved by rationalising the de facto parking area at the front of the site and better landscaping areas at the front of the site not set aside for parking.
6. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
  - a) community safety through crime prevention principles in design;
  - b) water safety; and
  - c) access for persons with disabilities

The community safety design guide promotes community safety through crime prevention principles in design. The proposed site layout provides good passive surveillance opportunities to the front of the site. It is recommended that any landscaping to the front of the site be selected with a view to maintaining good passive surveillance opportunities and providing clear sight lines for vehicles entering and exiting the site.

The upgrades application proposes a disabled accessible parking space for each unit. The Unit 1 space is not conveniently accessible. The conditions of approval of the permit relating to upgrades requires the relocation of the Unit 1 space.

7. Pursuant to section 51(q) of the *Planning Act 1999* the consent authority must take into consideration for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building). The application included a statement from a registered building certifier advising to the effect that:
  - a) Building approval was being sought for unapproved internal works and an unapproved shed to the rear of the site.
  - b) An unapproved carport is being removed;
  - c) Fire separation between units is currently in the process of being approved for compliance with current Building Code of Australia requirements; and
  - d) Following fire upgrades and approvals no building will cease to comply with the *Building Act* if the propose subdivision (for the purpose of a unit title scheme) were to proceed.

The proposed subdivision, as approved is not expected to result in any non-compliance with the *Building Act*.

8. Pursuant to section 51(r) of the *Planning Act 1999* 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*. No issues of relevance have been identified.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

15 of 22

**ACTION:** DAS to prepare Development Permits and Notice of Consents.

**ITEM 4 COMMUNITY CENTRE AND ANCILLARY USES IN 2 X 1 STOREY BUILDINGS**  
**PA2020/0199 LOTS 194 & 195, 3 & 5 STUART TERRACE, TOWN OF ALICE SPRINGS**

**APPLICANT SDARC Pty Ltd (Susan Dugdale & Associates)**

Susan Dugdale (SDARC Pty Ltd) and Tony Collins ( Akeyulere Aboriginal Corporation) attended the meeting and spoke further on the application.

Submitter Angus Mclvor attended the meeting and spoke further to his and Neahlan Winnie Namie's joint submission. Mr Mclvor tabled a photograph of an artist and painting of the area following the hearing.

**RESOLVED** That, pursuant to section 53(b) of the Planning Act 1999, the Development Consent Authority varies the requirements of Clause 5.2.4.1 (Parking Requirements) and Clause 5.8.7 (Demountable Structures) and pursuant to section 53(a) of the *Planning Act 1999*, consents to the application to develop Lot 194 (5) and Lot 195 (3) Stuart Terrace, Suburb of the Gap, Town of Alice Springs for the purpose of a community centre and ancillary uses in 2 x single storey buildings (including one incorporating 2 demountable structures), subject to the following conditions:  
**0108/20**

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended 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. The plan/s must be in Adobe PDF format and must be generally in accordance with the drawings publicly exhibited, but amended to include:
  - a) An amended parking layout with a minimum of 10 parking spaces (including a parking space for persons with a disability and a space with dimensions to accommodate a 12 seater minibus. The parking layout should be designed to allow convenient access and egress to each parking space and to and from the site.
  - b) A schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system, approved by the Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection;
  - c) A landscape plan generally in accordance with the landscape concept plan included in the application as exhibited and including a planting schedule of all existing trees to be retained and proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant. All species selected must be to the satisfaction of the consent authority. Fencing and planting must provide for sightlines for vehicles entering and exiting the site and provide some partial screening of the proposed electricity substation to the front of the site; and



- d) Locations of all air-conditioning units and provide details of the screening to be utilised to ensure the condenser units are appropriately screened from public view and from view of neighbouring or nearby developments (or developments reasonably anticipated). The locations of all units must allow convenient access for ongoing repair and maintenance.

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**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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 NT Fire and Emergency Services.
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. 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
11. 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.

12. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
13. The 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) sealed;
  - 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. A minimum of 2 visitor parking spaces must be identified on the site and be available for use by visitors during normal business hours.
14. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the consent authority.
15. All air conditioning 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.
16. Lot 194 and Lot 195 Stuart Terrace must be consolidated prior to commencement of the approved use.

## **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. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at [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.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.

6. 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>
7. You are advised to contact Dial Before You Dig and arrange for any relocation if required.
8. 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>.
9. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
10. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the Public and *Environmental Health Act 2011* and the *Food Act 2004*.

## 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. An amendment to the *Planning Act 1999* took effect on 31 July 2020. The amendment to the *Planning Act 1999* includes transitional provisions in section 167(2) which states: *If:*
  - *an application was made to the former Authority as consent authority under section 48, 57 or 58 of the former Act; and*
  - *a hearing in respect of the application had not been commenced under the former Act, this Act applies to the application as if it were an application under section 46, 59 or 57, respectively, of this Act.*

Subsequent to the subject application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. At the time the application was submitted, the Northern Territory Planning Scheme (2007) was in effect, and was addressed by the applicant in the Statement of Effect. Because the applications were not heard before the commencement of the amendment to the *Planning Act 1999*, and to satisfy the requirements of Section 51 of the *Planning Act 1999*, the application is required to be assessed against NTPS 2020. The proposal has been assessed against the requirements of the *Planning Act 1999* (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality.

The consent authority granted a variation to:

- Clause 5.2.4.1 (Parking Requirements) of the NTPS 2020, to allow the provision of a minimum of 10 car parking spaces instead of the calculated minimum requirement of 25 spaces, for the following reasons:
  - Given the proposed use, as described in the development application, it is expected that a significant proportion of people attending will be transferred to and from the site by minibus and that the approved development includes a requirement for the provision of a dedicated minibus parking bay;
  - The site is located in close proximity to other 'destination' attractions, including the Royal Flying Doctor Visitor Centre, the Women's Museum of Australia and the Alice Springs Reptile Centre and it is expected that a significant proportion of tourist visitation to the community centre will be by persons being transferred to and from the area by coaches that are serviced by existing coach drop-off and parking areas;
  - Notwithstanding that the application anticipated minimal need for on-site visitor parking, the consent authority determined that the provision of a minimum of 2 dedicated visitor parking spaces were necessary to provide some on-site capacity for that purpose and to avoid complete reliance on off-site parking for visitors;
  - There are public parking spaces in the locality that may be expected to provide capacity to accommodate occasional limited overflow parking as and when required; and
  - Notwithstanding the substantial floor area of the development, the use is not expected to generate significant demand for parking and the expected provision may reasonably service the proposed use.
- Clause 5.8.7 (Demountable Structures) of the NTPS 2020 to allow a demountable structure to be setback less than 1.5m from a side boundary, as:
- The demountable structure will be wholly screened from the affected adjoining property by a parapet wall and will be effectively screened from the adjacent street by the parapet wall and a storage shed; and
- No adverse impact on the amenity of any property or the streetscape on account of the reduced building setback is envisaged.

The conditions of approval may be expected to assist in ensuring that the development and use of the land accords with the purposes of the applicable provisions as well as the zone (i.e. Zone TC (Tourist Commercial)).

2. Pursuant to section 51(e) of the *Planning Act 1999*, 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 and one submission representing two submitters was received. Mr McIvor attended the meeting and addressed the Authority in respect of the joint submission, highlighting concerns including security of the site, and the cultural significance of and the importance of views to Billy Goat Hill. The consent authority carefully considered issues raised by the submitters and the applicant's responses, including the issues of building height and number of storeys. The authority was satisfied that the proposed development is single storey and that the overall design represented a carefully considered design and reasonably addressed all relevant matters, subject to the conditions of approval.

3. Pursuant to section 51(j) of the *Planning Act 1999*, 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 proposal involves minimal changes to a long established development. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment and Natural Resources has identified any issues of concern in terms of land capability or suitability. The conditions and notes included in the permit may be expected to assist in ensuring management of erosion and dust during construction.
4. Pursuant to section 51(m) of the *Planning Act 1999*, 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 conditions of this permit are expected to ensure that the Power and Water Corporations interests as a service authority are duly recognised and that any new infrastructure does not unduly impact on the streetscape or the amenity of the locality.
5. Pursuant to section 51(n) of the *Planning Act 1999* 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 development is expected to offer a high level of amenity for people using and visiting the centre and to contribute visual interest and the amenity of the streetscape
6. Pursuant to section 51(p) of the *Planning Act 1999* the consent authority must take into consideration (p) the public interest, including (if relevant) how the following matters are provided for in the application;
  - (i) community safety through crime prevention principles in design;
  - (ii) water safety; and
  - (iii) access for persons with disabilities

The community safety design guide promotes community safety through crime prevention principles in design. The proposed design and site layout provides good passive surveillance opportunities to the front and rear of the site. It is recommended that any landscaping and fencing to the front of the site be selected with a view to maintaining good passive surveillance opportunities and providing clear sight lines for vehicles entering and exiting the site.

The design makes provision for persons with a disability.
7. Pursuant to section 51(r) of the *Planning Act 1999* 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 2011*. The site is located in the Alice Springs Heritage Precinct and the proposed development has been approved under that Act.
8. The conditions of approval are expected to assist in ensuring the orderly development of the site.

**FOR: 4      AGAINST: 0      ABSTAIN: 0**

**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**

19 August 2020