



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 267 – WEDNESDAY 10 NOVEMBER 2021

**RED MULGA EVENT SPACE
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Jamie de Brenni,
Jimmy Cocking

APOLOGIES: Deepika Mathur

OFFICERS PRESENT: Fraser Cormack, Julie Driver, Jennie Ryan

COUNCIL REPRESENTATIVE: Nil

Meeting opened at 10:30 am and closed at 11:05am

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 DWELLING-MULTIPLE (3 X 2-BEDROOM DWELLINGS IN A 2-STOREY BUILDING – ADDITION TO EXISTING DWELLING-GROUP)
PA2021/0316 LOT 385 (2) GOYDER STREET, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS
APPLICANT THE TRUSTEE FOR THE TECON UNIT TRUST

Gerard Waterford (Representing the Owner) attended the meeting and spoke further to the application.

RESOLVED 0065/21 That, the Development Consent Authority varies the requirements of clause 5.2.4.4 (Parking Layout), clause 5.4.1 (Residential Density Limitations), clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and clause 5.4.7 (Communal Open Space) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop Lot 385 (2) Goyder Street, Suburb of East Side, Town of Alice Springs for the purpose of dwelling-multiple (3 x 2-bedroom dwellings in a 2 storey building - addition to existing dwelling-group), subject to the following conditions and for the following reasons:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. Plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, as amended through a site plan submitted on 5 October 2021, but further amended to include/detail:
 - a) Suitable privacy screening for private open space to Unit 1 responding satisfactorily to clause 5.4.6.5 of the Northern Territory Planning Scheme 2020 (NTPS2020). A mix of fencing and planting that provides for privacy screening while providing some limited passive surveillance opportunities could be supported as an alternative to 1.8m high solid screen fencing.
 - b) All internal and external fencing, including existing fencing erected during Stage 1 of Development Permit DP14/0662 and proposed to be retained.
 - c) Privacy screening measures to improve privacy for:
 - (i) bedrooms 1 and 2 of Unit 1; and
 - (ii) bedrooms 3 and 4 of Unit 4;from the internal footpath/walkway.
 - d) Partial screening (e.g. planting and/or lattice screening) and/or adjustable screening (e.g. exterior roller blinds) providing some privacy separation between the communal open space area and the adjacent dwellings (Unit 4 and Unit 7).
 - e) Shading within the communal open space area. As a minimum 1 appropriately located shade tree or a free-standing shade canopy is envisaged.
 - f) Internal drainage of balconies and coving on the edge of balconies or suitable alternative drainage of balconies.
 - g) Location of air-conditioner (a/c's) units with a/c's located and / or screened so that they are not readily visible from adjacent streets.

- h) A required minimum finished floor level of 577.925m AHD for habitable rooms within Unit 1.

Responses to the conditions precedent may be submitted to the Development Consent Authority for consideration and/or endorsement C/- Development Assessment Services, DIPL (Att: Alice Springs Branch) via email to DAS.NTG@nt.gov.au.

GENERAL CONDITIONS

2. The works carried out under any permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Floor levels of habitable rooms for Unit 1 shall be constructed no lower than 577.925m Australian Height Datum which is 300mm above the assessed 1 percent Annual Exceedence Probability flood level as it relates to the site, referencing current flood mapping at the time of granting of this permit. Finished floor levels for the dwelling (referenced to the Australian Height Datum) must be confirmed by a suitably qualified person, to the satisfaction of 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. 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 owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. The kerb crossover and driveway to the Sturt Terrace frontage of the site approved by this permit is to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
8. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
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 to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
10. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. The car parking area and driveway shall be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) sealed or paved; and

- d) 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.
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. All air conditioners and condenser units (including any units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
 14. Balconies to Units 2 and 3 are to be drained in accordance with drawings endorsed as part of this permit, to the satisfaction of the consent authority.
 15. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional confirming that all new number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both landdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au.
 16. 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 will not be able to be granted until such time as addressing is obtained.

NOTES

1. 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.
2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on 08 8995 5354 (surveylandrecords@nt.gov.au).
3. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
4. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
5. 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.
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>

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme 2020 (NTPS2020) is the applicable planning scheme.

Under clause 1.8(c)v of NTPS2020, use and development of land requires consent and is Impact Assessable when a provision of this Planning Scheme expressly requires assessment as Impact Assessable. Under clause 3.1.4(b), use and development is Impact Assessable where an overlay requires consent, and the use is shown as Merit Assessable on the relevant assessment table in Part 4 it is Impact Assessable. The development is Impact Assessable in terms of NTPS2020, as part of the site is within a defined flood area and the Land Subject to Flooding overlay (clause 3.6) applies.

Under clause 1.10.4, in considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

- a) any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- b) any Overlays and associated requirements in Part 3 that apply to the land;
- c) the guidance provided by the relevant zone purpose and outcomes in Part 4; and
- d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The proposed development has been assessed against the applicable objectives and provisions of NTPS2020 and is assessed as:

- generally aligning with objectives of the Alice Springs Regional Land Use Plan 2016 and the Compact Urban Growth Policy (which are the relevant strategic policy documents); and
- providing a suitable design response to the requirements of Part 3 and Part 5 of NTPS2020, subject to revisions satisfactorily responding to conditions precedent requirements of the development permit.

Part of Lot 385 is located within a defined flood area (DFA), with inundation to a depth not exceeding 0.15m in a 1 percent annual exceedence probability (1% AEP) flood event. While the new building is not located within the DFA, clause 1.10.6 of NTPS2020 allows the consent authority to impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the purpose of the overlay. In

this instance, despite the building being located outside of the DFA, given the close proximity of the site to the floodway, the consent authority has required the finished floor levels for Unit 1 be a minimum of 300mm above the assessed 1% AEP level, providing 'freeboard' flood protection for a 1% AEP event.

The consent authority has granted variations to requirements of Part 5 of NTPS2020 as follows:

Variation to clause 5.2.4.4 (Parking Layout) sub-clauses (g) and (h), as:

- The development is not expected to frustrate the purpose of clause 5.2.4.4. or the purpose or zone outcomes for Zone MR;
- The proposed parking layout is expected to facilitate safe and convenient access to and from the site in a forward gear as well as safe and convenient access to and from each parking space; and
- The narrowing of part of the driveway allows for the retention of a large established Eucalyptus tree which is considered to contribute positively to the streetscape.

Variation to clause 5.4.1 (Residential Density Limitations) to allow the development of the site at a density exceeding the calculated maximum allowable in Zone MR (Medium Density Residential), as the proposed development it is of a form and scale considered:

- consistent with the purpose of clause 5.4.1 and the zone purpose and outcomes for Zone MR; and
- appropriate to the site having regard to its location and potential impact on adjoining and nearby property; and
- to support efficient usage of land zoned for medium density residential development.

The proposal has been assessed with regard to the Compact Urban Growth Policy which is an applicable Strategic Planning Policy that forms part of NTPS2020 and is considered to support the development.

Variations to clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), as:

- On the basis of the definitions contained in NTPS2020 it was not possible to unequivocally conclude whether Goyder Street or Sturt Terrace is the primary street;
- Goyder Street is taken to have been established as the primary street frontage on the basis of the design, orientation and location of the original single dwelling on the site;
- The proposed building design similarly adopts Goyder Street as the primary street frontage, with only minor variations to setback requirements;
- Regardless of whether Goyder Street or Sturt Terrace is taken to be the primary street frontage:
 - The design provides a varied facade with staggered building setbacks to the Sturt Terrace frontage and articulation of the proposed building, including and verandahs, balconies and roof eaves at ground and first floor levels.
 - The design is expected to minimise potential for visual massing when viewed from adjoining land and streets, avoid undue overlooking of adjoining properties and facilitate breeze penetration through and between buildings; and
 - The proposed development is considered consistent with the Zone Purpose and Outcomes for Zone MR and is expected to be compatible

with the streetscape and surrounding development including the existing dwellings on the site.

A variation to clause 5.4.7 (Communal Open Space) sub-clause 5.4.7.3 as:

- All dwellings include either a substantial balcony that provides a functional extension to a living area or ground level private open space offering each dwelling a good level of residential amenity; and
- The proposed communal open space area (as approved) is expected to offer a flexible additional on-site open space area offering amenity benefits for all residents; and
- The site's close proximity to a large formalised neighbourhood park in Mueller Street/Goyder Street and the Todd River Reserve provides readily accessible public open space areas for residents to use; and
- The proposed development is considered consistent with the Zone Purpose and Outcomes for Zone MR and is expected to be compatible with the streetscape and surrounding development including the existing dwellings on the site.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and one public submission was received. The submission raised concerns in relation to car parking and building setbacks. The consent authority, following consideration of the proposal in relation to applicable provisions of NTPS2020 and having regard to issues raised in the submission:
 - a) noted that the proposed car parking provision complies with the calculated minimum parking requirement under clause 5.2.4 (Vehicle Parking) of NTPS2020 and expects the parking provision to be adequate for the development; and
 - b) decided to grant variations to clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) for reasons outlined at s.51(1)(a) above. The Alice Springs Town Council did not make any submissions in its capacity as local authority.
3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application submitted that:
 - a) The multiple dwelling is entirely appropriate for the proposed location which is compatible with the surrounding land uses and will provide a necessary additional accommodation for the community in a convenient location; and
 - b) As a unit complex the proposed dwelling provides an alternative form of accommodation when compared to a detached dwelling.

The proposed dwellings would add to the variety and stock of housing in Alice Springs.

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application the 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 proposed development is not expected to have any undue impact on the physical characteristics of any other property. The requirement for finished floor levels for Unit 1 to be a minimum of 300mm above the assessed 1

percent Annual Exceedence Probability (1% AEP) Flood Level is intended to assist in limiting the extent of damage to property in a 1% AEP event.

5. Pursuant to section 51(1)(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. Alice Springs Town Council (ASTC) and the Power and Water Corporation have requested permit conditions in relation to their interests as service authorities. Standard development permit conditions and advisory notes included on the development permit are expected to assist in the orderly construction and servicing of the approved development.
6. Pursuant to section 51(1)(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 of a form and scale that is expected to be compatible with the established streetscapes and other development within the locality and is not expected to adversely impact on the amenity of the locality.
7. Pursuant to section 51(1)(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;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide community promotes safety through crime prevention principles in design, including through lighting and provision of passive surveillance opportunities. The development as approved is expected to offer good passive surveillance opportunities to and from the site as well as providing sight lines adjacent to the proposed site access.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

**ITEM 2 CHANGE OF USE FOR PART OF AN EXISTING BUILDING FROM SHOP TO
COMMUNITY CENTRE**
PA2021/0291 LOT 7436 (33) TODD STREET, TOWN OF ALICE SPRINGS
APPLICANT HODGKISON PTY LTD

Shanil Hameed (on behalf of the Applicant, Hodgkison Pty Ltd) attended the meeting and spoke further to the application.

RESOLVED That the Development Consent Authority, pursuant to section 53(a) of the *Planning Act 1999*, consents to the application to develop Lot 7436 (33) Todd Street, Town of Alice Springs, for the purpose of a change of use for part of an existing building from shop to community centre, subject to the following conditions and for the following reasons:
0066/21

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings included in the development application and endorsed by the consent authority 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.

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. 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. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserves.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. The Northern Territory Environment Protection Authority advises that 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. 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(1)(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 community centre use, as approved, is considered appropriate to Zone CB (Central Business) of the Northern Territory Planning Scheme 2020 (NTPS2020) 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.

The Central Alice Springs Area Plan is an applicable Area Plan. The proposed change of use to a community centre:

- supports Social Infrastructure objective 6.1 which is to '*provide for community facilities*' and promotes multipurpose community facilities that encourage use by a variety of user; and
- supports Culture and Heritage objectives, including:
 - allowing for the appropriate conservation and adaptive reuse of spaces and buildings, as well as integration of Aboriginal culture into place making, ensuring that future generations have an understanding of the history of the town and region; and
 - objective 8.1 which is to '*recognise and celebrate the multicultural heritage and values of Alice Springs*'; and
- is considered consistent with the Area Plan.

The Alice Springs Regional Land Use Plan 2016 (ASRLUP) is an applicable strategic land use plan. The subject site is located within the central business district of Alice Springs and the land use is considered to align with the guidance/objectives contained within the Land Use Plan including by:

- contributing to tourism economy;
- adding to the range of land uses within the CBD;
- utilising a well located, appropriately zoned site, that is appropriately serviced with established infrastructure and services; and
- supporting the objective of encouraging revitalisation of the CBD.

The application was assessed against the purpose, requirements and objectives of the Parts 3 and 5 respectively of NTPS2020 and was assessed as compliant.

While the site is located within a defined flood area, the proposed use relates to part of an existing building and does not include any habitable floor area and there are no applicable requirements under clause 3.6 (Land Subject to Flooding) of NTPS2020 that are relevant to the proposal.

In relation to the assessment of car parking against clause 5.2.4.1 (Parking Requirements), the consent authority:

- a) noted that the proposed change of use will result in a reduction (by 9 spaces) in the calculated parking requirement for the affected floor area; and
 - b) did not envisage that the change of use would likely result in an increased demand for car parking when compared to the previously approved and established shop use.
2. Pursuant to section 51(1)(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.

3. Pursuant to section 51(1)(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;
 - 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;
 - The facility will provide equipment and space that allow community engagement and commercial industry in current and future communication technologies, platforms and storytelling; and
 - The 'change of use' will utilise tenancies within an existing building.

The proposed development is expected to contribute to the revitalisation of the CBD.

4. Pursuant to section 51(1)(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.
5. Pursuant to section 51(1)(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 service authorities were invited to comment on the application and did not raise any concerns in principle with the proposal. The conditions of approval may be expected to assist in ensuring that Alice Springs Town Council's interests in relation to sight lines and the Power and Water Corporations interests in relation to services are duly recognised.
6. Pursuant to section 51(1)(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 change of use of the property is to an internal section of the building and will offer additional community facilities within the central business area. The proposed use is not expected to have any adverse impact on the amenity of adjoining properties or the locality.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 3 **PART CHANGE OF USE (UNIT 3) FROM OFFICE TO MEDICAL CLINIC
(ADDITION OF TWO CONSULTING ROOMS TO AN EXISTING DENTAL
CLINIC)**
PA2021/0323 **LOT 5775 (8) GREGORY TERRACE, TOWN OF ALICE SPRINGS**
APPLICANT **MASTERPLAN NT**

Alex Deutrom (Masterplan NT) attended the meeting via telephone hook-up and spoke further to the application.

RESOLVED That the Development Consent Authority determines to reduce to two (2), the
0067/21 number of parking spaces required to be provided as part of the development of Unit
3, Lot 5775 (8) Gregory Terrace, Town of Alice Springs for the purpose of change of
use from office to medical clinic, including 2 consulting rooms and associated office,
storage and waiting areas, under clause 6.5.2 (Reduction in Parking Requirements)
of the Northern Territory Planning Scheme 2020 and pursuant to section 53(b) of the
Planning Act 1999, alters the proposed development and consents to the proposed
development as altered, subject to the following conditions and for the following
reasons:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), a detailed landscape and screening plan must be submitted to and approved by the consent authority. Suitability of the landscape and screening plan will be at the discretion of the consent authority, having regard to the conditions precedent requirements and subject to support in principle from the Alice Springs Town Council in its capacity as the relevant roads and stormwater drainage authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited but supplemented by a detailed landscape and screening plan, generally consistent with the landscape plan numbered PA2020/0278/LS1 and endorsed as forming part of Development Permit DP20/0294, but further modified to include:
 - a) Low screen planting to both street frontages (dense planting with fast growing, hardy plant species selected to achieve a low hedge (0.6m height) to partially screen vehicles from both street frontages without creating concealment or entrapment opportunities or obstructing sightlines at vehicle access/egress points to the site is envisaged).
 - b) Constructed measures designed to better protect planting from pedestrian traffic and vehicles.
 - c) Clear delineation of the extent of the skip/bin storage area/s on the site.
 - d) Constructed screening designed to effectively visually screen skip bins/garbage bins located within the delineated skip/bin storage area from both street frontages without creating concealment or entrapment opportunities or hindering the functionality of the parking area.

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. In accordance with section 70(5) of the *Planning Act 1999*, the two (2) car parking spaces required by the consent authority to be provided as part of the approved development may be provided through the payment of a monetary contribution to the Alice Springs Town Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act 1999*.
5. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
6. 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.
7. 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 the advice of the Alice Springs Town Council.
8. Provision must be made on the land for the storage and collection of garbage and other solid waste. All waste storage and collection areas must be effectively visually screened from the adjacent streets, in accordance with the endorsed landscape and screening plan, to the satisfaction of the consent authority

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water_development@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.
2. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
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.
4. The Department of Environment, Parks and Water Security 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.

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 construction works.

REASONS

1. Pursuant to section 51(1)(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 NT Planning Scheme 2020 applies to the land and medical clinic requires consent under clause 1.8. The expansion of the medical clinic (approved by Development Permit DP18/0163) is identified as Merit Assessable. However, under clause 1.8(c)v of the Northern Territory Planning Scheme 2020 (NTPS2020) use and development of land requires consent and is Impact Assessable when a provision of this Planning Scheme expressly requires assessment as Impact Assessable. Under clause 3.1.4(b), use and development is Impact Assessable where an overlay requires consent, and the use is shown as Merit Assessable on the relevant assessment table in Part 4 it is Impact Assessable. The site is located within a defined flood area and clause 3.6 (Land Subject to Flooding) is an applicable overlay, triggering Impact Assessment. In addition, the following must also be considered:

- Strategic Framework (Part 2 of the Scheme), including Alice Springs Regional Land Use Plan and Central Alice Springs Area Plan
- Clause 4.10 (Zone CB – Central Business) - zone purpose and outcomes
- Clause 5.2.2 (Building Heights in Alice Springs)
- Clause 5.2.4 (Vehicle Parking)
- Clause 5.2.6 (Landscaping)
- Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)

These clauses have been considered in the context of section 51(3) of the *Planning Act 1999* and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 with the exception of clause 5.2.4.1 (Parking Requirements) and subject to suitable revisions to landscaping and screening of bin storage area/s from the adjacent streets.

Pursuant to clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:

- (a) The purpose and administration clauses of the requirement; and
- (b) The considerations listed under clause 1.10(3) or 1.10(4).

Notwithstanding a calculated shortfall of 6 car parking spaces, the consent authority:

- noted that:
 - there is existing public car parking (including on-street parking and off-street public car parks) within the central business area;
 - public transport (including buses and taxis) is available in the locality;
 - the medical clinic use of Lot 5775 (including the proposed additions) will include 17 parking spaces set aside for use by staff and clients;

- anticipated that cross utilisation of car parking spaces by some clients either working or shopping in the locality would occur;
- noted that there is no capacity for additional car parking on the site;
- noted that some office uses may, in practice generate a higher parking demand than the listed minimum parking requirement for that use; and
- anticipated that some client and staff may be expected to travel to the central business area and the premises by foot or bicycle.

In the circumstances and noting the history of the development and use of the site and having regard to clause 5.4.4.2, the consent authority decided that a reduced parking requirement of two (2) spaces could be expected to support the purpose and objectives of clause 5.4.4.1 (Parking Requirements) and clause 4.10 (Zone CB (Central Business)) of NTPS2020, respectively and was applicable.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application 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 during the exhibition period under section 49 of the *Planning Act 1999* with respect to the proposal.
3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The consent authority noted and considered the Alice Springs Town Council's recommendations in relation to car parking and decided that a reduced car parking requirement of 2 spaces was appropriate as outlined under reason 1 above. The conditions of approval and advisory noted included in the development permit are intended to assist in ensuring payment of a monetary contribution to the Alice Springs Town Council in lieu of the provision of 2 additional on-site car parking spaces and that service authority interests are duly recognised.
4. Pursuant to section 51(1)(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 consent authority:
 - a) noted that:
 - (i) the site is in a visually prominent part of the central business area;
 - (ii) garbage skips/bins stored on the site immediately adjacent to the landscaped area substantially detract from the visual amenity of the adjacent streetscape and the central business area due to lack of screening;
 - (iii) the purpose of sub-clause 5.2.4.4(g) of NTPS2020 is to ensure that the area between a car parking area and a road is landscaped with species designed to lessen the visual impact of the car parking area;
 - (iv) the purpose of clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T) of NTPS2020 is to "promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment";
 - (v) sub-clause 5.4.3.14 of NTPS2020 requires provision of "landscaping to reduce the visual impact and provide shade and screening of open expanses of pavement and car parking";

- (vi) landscaping and screening may readily be designed and provided on the site in a manner that minimises any deleterious impact of bin storage on the streetscape or the central business area more generally;
 - (vii) the existing landscaping, while provided generally in accordance with previously endorsed plans:
 - (i) has required replacing/replanting due to damage removal, presumably as a result of vehicle movements and / or pedestrian traffic and / or vandalism;
 - (ii) does not effectively screen garbage skips/bins located immediately adjacent to the landscaped area;
 - (iii) provides minimal visual screening of vehicles parked on site from the adjacent streets; and
 - (iv) is not sufficiently protected from damage by pedestrians or vehicles to be reasonably expected to achieve/provide sustained screening of vehicles and garbage skips from the adjacent streets; and
 - b) decided that a suitably revised landscaping and bin screening plan was warranted. The consent authority further envisaged that a carefully designed and implemented landscaping and screening plan for the site was likely to:
 - (i) substantially improve the amenity of the site as viewed from the adjacent streets and from within the site; and
 - (ii) contribute positively to the existing and future amenity of the central business area more generally.
5. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account the public interest. In relation to community safety through crime prevention principles in design, the proposal is may increase the duration of use of the premises, providing some benefit to activity and passive surveillance during daytime hours. It is noted that through the change in use of part of the building, the requirements for a new building permit may be expected to ensure suitable accessibility. It is noted that designated disabled car parking spaces are provided in the existing car parking area and a lift has been installed to the building.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 4 RECONSIDERATION - OUTBUILDING (SHED) ADDITION TO DWELLING-SINGLE WITH REDUCED BUILDING SETBACKS TO FRONT AND SIDE BOUNDARIES
PA2021/0201 LOT 1867 (7) EWART PLACE, SUBURB OF GILLEN
APPLICANT KFIR PRONKHORST AND YELENA SIDOROV

Kfir Pronkhorst (Applicant) attended the meeting and spoke further on the application.

RESOLVED That, the Development Consent Authority varies the requirements of clause 5.4.3
0068/21 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop Lot 1867 (7) Ewart Place, Suburb of Gillen, Town of Alice

Springs for the purpose of outbuilding (shed) addition to Dwelling-Single with reduced setbacks to front and side boundaries, 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 must be submitted to and approved by the consent authority. Suitability of the amended plans will be at the discretion of the consent authority, having regard to the conditions precedent requirements. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited but amended to:
 - a) reduce the height of the building such that no part of the building exceeds 3.6 metres in height above the natural ground level of the site;
 - b) detail front boundary fencing solid screening or slatted (picket-type) fencing or suitable alternative to a minimum height of 1.8 metres on the front boundary of the site;
 - c) detail a minimum of 1 medium sized tree or large shrub to the southern or south-eastern side of the shed, between the shed and the front boundary.

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as part of this permit.
3. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
4. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on the advice of the Alice Springs Town Council.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water_development@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.
2. 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.
3. 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 construction works.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The NT Planning Scheme 2020 (NTPS2020) applies to the land. The land is zoned LR (Low Density Residential) and dwelling-single (including ancillary outbuildings) is a permitted use in the zone subject to compliance with all applicable requirements under Part 5 of NTPS2020. The proposed development complies with all requirements of Part 5 with the exception of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

Under clause 1.8.1(b)(ii)2 of NTPS2020, Use and development of land requires consent and is Merit Assessable when it is shown as Permitted on the relevant assessment table in Part 4 but does not comply with the relevant development requirements set out in Part 5.

Under clause 1.10.2 of NTPS2020, in considering an application for *consent* for a use or development that has become *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

The consent authority:

- Noted that under clause 5.4.3(a) and (b) respectively of NTPS2020, the purpose of clause 5.4.3 is to ensure that residential buildings and ancillary structures are located in a manner that “*is compatible with the streetscape and surrounding development including residential buildings on the same site*”; and “*minimises adverse effects of building massing when viewed from adjoining land and the street*”.
- Noted that under clause 5.4.3.1 of NTPS2020, “*The consent authority may consent to a development that is not in accordance with sub-clause 5 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property*”.
- Noted that the streetscape (of Ewart Place) did not feature any approved sheds/garages with reduced building setbacks to street boundaries and included mature landscaping in the front yards and single storey buildings;
- Anticipated that the proposed development as detailed in the publicly exhibited application and amended through revised plans submitted on 25 September 2021 could be expected to:
 - Markedly and adversely alter the established character of the streetscape on account of the significant height of the building in conjunction with the significantly reduced setbacks proposed in relation to other buildings and building setback line, combined with the substantial length and width dimensions of the building and lack of design articulation;
 - Present to the street frontage as a visually massive building; and
 - Frustrate the purpose of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of NTPS2020.
- Concluded that it could not consent to the development as proposed, as it was not satisfied that the reduced front setback was consistent with the purpose of clause 5.4.3 or Zone Outcome 4 of Zone LR (Low Density

Residential) of NTPS2020 as such approval would be contrary to clause 5.4.3.1.

The consent authority:

- noting:
 - the applicant's:
 - verbal request (at the hearing on 10 November 2021) to the effect that the consent authority provide definitive or prescriptive guidance on what may be an acceptable height for the proposed building, given the proposed location and footprint; and
 - indicated disinclination to change the building setbacks or footprint; and
 - that no public submissions were received in relation to the application; and
 - decided that a modified building design that reduced the height of the building to a maximum of 3.6m above ground level and subject to 1.8m high (minimum) front boundary fencing and planting of a minimum of 1 large shrub or medium sized street between the front boundary and the shed, was unlikely to frustrate the purpose of clause 5.4.3 or zone outcome 4 of Zone LR (Low Density Residential) and was therefore supportable; and
 - altered the proposed development, and approved the development, as altered, subject to revisions and requirements as required by conditions precedent.
2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application 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. The application was notified in accordance with the requirements of the *Planning Act 1999* and the Planning Regulations 2000 and no public or local authority submissions under section 49 of the *Planning Act 1999* were received.
 3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services.
 4. Pursuant to section 51(1)(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 proposed development as detailed in the development application was expected to adversely impact on the established character and amenity of the streetscape. The conditions of approval provide the applicant the opportunity to amend the design of the proposed building by reducing the height to no more than 3.6m above ground level on account that the consent authority expects such a height reduction to reasonably ensure that the building does not unduly impact on the existing or future character or amenity of the streetscape.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 5 DWELLING-SINGLE AND DWELLING-INDEPENDENT (WITH FLOOR AREA EXCEEDING 50M2) IN A 2 STOREY BUILDING WITH REDUCED BUILDING SETBACKS TO FRONT BOUNDARY
PA2021/0328 LOT 9057 (11) REUS COURT, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS
APPLICANT BRUCE BALDEY

Darren Burton (on behalf of the Applicant) attended the meeting and spoke further on the application.

RESOLVED 0069/21 That the Development Consent Authority varies the requirements of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and sub-clause 2 of clause 5.4.13 (Dwelling-Independent) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consents to the proposed development of Lot 9057 (11) Reus Court, Suburb of East Side, Town of Alice Springs for the purpose of a dwelling-single and dwelling-independent (with floor area exceeding 50m²) in a 2 storey building, subject to the following conditions and for the following reasons:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), the applicant must provide written advice from the Northern Territory Aboriginal Areas Protection Authority (AAPA) confirming that an AAPA certificate has been issued that provides indemnity against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989* in relation to the proposed development as detailed in the development plans that formed part of Development Application PA2021/0328 as publicly exhibited and referred to AAPA on 21 September 2021. Subject to the receipt of a suitable response from AAPA, the consent authority will endorse the development plans as included in the application and publicly exhibited.

The applicant may submit documentation responding to conditions precedent 1 of this permit to the Development Consent Authority c/o Development Assessment Services, Department of Infrastructure, Planning and Logistics, c/o Alice Springs Branch via email to das.ntg@nt.gov.au.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on the advice of the Alice Springs Town Council.

6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.

NOTES:

1. 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.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water_development@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. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. 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.
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 construction works.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The NT Planning Scheme 2020 (NTPS2020) applies to the land. The land is zoned LR (Low Density Residential) and dwelling-single and dwelling-independent are permitted uses in the zone subject to compliance with all applicable requirements under Part 5 of NTPS2020. The proposed development complies with all requirements of Part 5 with the exception of clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and sub-clause 2 of clause 5.4.13 Dwelling-Independent.

Under clause 1.8.1(b)(ii)2 of NTPS2020, Use and development of land requires consent and is Merit Assessable when it is shown as Permitted on the relevant assessment table in Part 4 but does not comply with the relevant development requirements set out in Part 5.

Under clause 1.10.2 of NTPS2020, in considering an application for consent for a use or development that has become *Merit Assessable* under clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.

The proposed building:

- includes:
 - varied building setbacks with the 2 storey elements setback approximately 8m from the front boundary;
 - articulation of building elements visible from the street frontage;
 - varied height and form; and
- is expected compatible with the streetscape and adjacent and nearby dwellings and is designed:
 - in a manner that minimises the potential for perceived adverse effects of building massing when viewed from adjoining land and the street;
 - to avoid undue overlooking of adjoining properties; and
 - to facilitate breeze penetration through and between buildings.

The proposed dwelling-independent exceeds the maximum floor area limit by 4m², but is otherwise compliant with the requirements of clause 5.4.13. The dwelling:

- is not expected to have significant impact on the amenity of adjoining and nearby property;
- is not expected to detrimentally impact on the natural environment, subject to compliance with applicable restrictions under the *NT Aboriginal Sacred Sites Act 1989*; and
- is not expected to adversely impact the local road network.

The developable area of the site is significantly constrained by sacred sites including trees and hill. The proposed development:

- is architecturally designed;
- reflects careful regard to sacred sites constraints and takes advantage of opportunities for views from the dwellings to adjoining bushland/hills;
- is a form and scale expected to be compatible with the established development within the immediate locality; and
- is expected to provide a sympathetic interface to the adjoining public spaces and between neighbours and provide privacy and attractive outdoor spaces.

The proposed development is assessed as being consistent with the purpose of clause 5.4.3 and clause 5.4.13 respectively as well as the zone purpose and outcomes for Zone LR, and is considered to be appropriate to the site having regard to its location, scale, form and likely impact on adjoining and nearby property.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application 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. The application was notified in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* and no public or local authority submissions under section 49 of the *Planning Act 1999* were received.
3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the merits of the proposed development as demonstrated in the application. The application submits that the development of a dwelling-single and a dwelling-independent is consistent with the current zoning of the land. The combination of 3 bedroom dwelling and attached independent single bedroom dwelling adds diversity to the neighbourhood residential mix. The development is compatible and comparable

with the character of the surrounding residential environment and preserves the natural unspoilt condition of the site.

The development is architecturally designed in a manner that is expected to offer future residents a good level of residential amenity, while being compatible with the established character of the immediate locality and the surrounding residential and natural environment.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services.
5. Pursuant to section 51(1)(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 proposed development is not expected to have any adverse impact on the amenity of the streetscape, adjacent or nearby properties or the locality.
6. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application the consent authority must take into account 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 Aboriginal Areas Protection Authority (AAPA) commented on the application and identified concerns that aspects of the design are prohibited by an AAPA Certificate and recommended a redesign or an application for an amended AAPA certificate. Development Assessment Services, Department of Infrastructure, Planning and Logistics invited the applicant to consult directly with AAPA on the matter. The applicant subsequently advised that an application for an amended AAPA certificate had been lodged. Notwithstanding that the applicant and prospective purchaser are aware that sacred sites restrictions affect the land, the consent authority seeks assurance from AAPA that proposed works as detailed in the plans included in the application are covered by a current and valid AAPA certificate.

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

16 November 2021