



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 237 – WEDNESDAY 12 SEPTEMBER 2018**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), David Koch, Jamie de Brenni

**APOLOGIES:** Alistair Feehan, Marli Banks

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

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 10:15am and closed at 10:50am**

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**                    **23.25M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER**  
**PA2018/0285**           **LOT 7140, 6 LYNDAVALE DRIVE, SUBURB OF LARAPINTA**  
**APPLICANT**           **OPTUS MOBILE PTY LTD**

Lauren Nicholson attended the meeting on behalf of the applicant and spoke further to the application.

Alice Springs Town Council representative, Dilip Nellikat spoke further to the comments Council submitted.

**RESOLVED**            That, pursuant to section 46(4)(b) of the *Planning Act*, the Development  
**0106/18**                    Consent Authority defer consideration of the application to develop Lot 7140  
                                  (6) Lyndavale Drive, Suburb of Larapinta, Town of Alice Springs for the  
                                  purpose of a 23.25m high telecommunications facility with associated  
                                  antennas and equipment shelter to require the following additional actions to  
                                  be carried out that the Authority considers necessary in order to enable the  
                                  proper consideration of the application:

1. Written notification from the Development Consent Authority to the owners of Unit 4 and Unit 5, Lot 7145, Esther Court, Town of Alice Springs to advise the owners:
  - (a) That Development Application PA2018/0285 has been submitted to the Development Consent Authority;
  - (b) The details of the proposal; and
  - (c) They are invited to make a comment about the application to the Development Consent Authority within 14 days from the date on which the notification is given.

If no public submissions are received within the 14 day period, the Alice Springs Division of the Development Consent Authority, pursuant to section 86(1) of the *Planning Act* and with reference to section 42 of the Interpretation Act delegates it's powers under section 53 of the *Planning Act*, to the Chair or a member of the Division to determine the application.

#### REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The Authority is of the view that due to the proximity of the proposed telecommunications facility to dwellings on adjacent land, direct referral of the proposal to the owners of the two abutting dwellings will enable a proper assessment of the proposal against Clause 13.5 (Telecommunications Facilities) of the NT Planning Scheme.
2. Pursuant to section 51(e) of the *Planning Act*, 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.

A local authority submission was received from the Alice Springs Town Council and the matters considered by the consent authority, noting the proximity of the proposed development to adjacent residential buildings, the consent authority considers it appropriate for direct notification of the application to those property owners to occur.

3. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Due to the height, siting and design of the telecommunications facility, the tower is expected to have some impact on the amenity of the existing and future amenity of the area irrespective of its siting on the property. The direct referral of the application to the owners of the two dwellings immediately adjacent to the development site is considered warranted.

**ACTION:** DAS to prepare letters to applicant and adjacent land owners (specified in resolution)

**ITEM 2**                    **ALTERATIONS TO PARKING LAYOUT FOR AN EXISTING RESTAURANT**  
**PA2018/0308**           **LOT 8618, 24 RAILWAY TERRACE, TOWN OF ALICE SPRINGS**  
**APPLICANT**           **RICHMOND AND ROSS PTY LTD**

Terry Buddy attended the meeting on behalf of McDonalds and spoke further to the application.

Alice Springs Town Council representative, Dilip Nellikat spoke further to the Council's written comments on the application.

**RESOLVED**            That, the Development Consent Authority varies the requirements of clause  
**0107/18**                    6.5.3.3(g) and clause 6.5.3.3(i) (Parking Layout) of the Northern Territory  
Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters  
the proposed development and consents to the proposed development as  
altered to develop Lot 8618 (24) Railway Terrace, Town of Alice Springs, for  
the purpose of alterations to the parking layout and ancillary menu boards and  
awning additions to an existing restaurant, subject to the following conditions  
and for the following reasons:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must include a planting schedule of all plants, including botanical names, common names, sizes at maturity, and quantities of each plant, and include any existing plants to be retained. All species selected must be to the satisfaction of the consent authority. Landscaping must include:
  - a) Dense hedge planting to the Stuart Highway and Parsons Street boundaries, selected to:
    - (i) minimise impacts of the parking area and drive-through driveways (and their usage) on views from adjoining streets; and

- (ii) provide good passive surveillance opportunities to, from and through the site; and
- b) Horizontally aligned fencing on the Stuart Highway and Parsons Street frontages contributing to screening in itself and by providing protection to the landscaping (this could include retaining the existing fencing or substitution with similar suitable fencing); and
- c) Fencing and planting should be designed/provided in a manner that discourages any direct pedestrian access between the site and the Stuart Highway.

The consent authority notes that:

- Some of the existing 'dense hedge-planting' on boundaries of the site is established and maintained in a form that is considered to:
  - reasonably respond to objectives of the NT Planning Scheme seeking to minimise the visual impact of ground level parking areas on adjoining streets; and
  - provide good passive surveillance opportunities to, from and through the site.
- Existing horizontal fencing on the Stuart Highway and Parsons Street frontages contributes to existing screening in itself and by providing some protection to the landscaping and should be retained as part of any landscape plan.
- Although the proposal exceeds the minimum requirements (for Clause 6.5.1 of the NT Planning Scheme) by 1 parking space, an additional space could be provided by maintaining the southern-most 5 of the existing 90 degree car parking spaces adjacent to the western boundary instead of changing parking adjacent to the boundary to angle parking. The consent authority encourages the applicant to consider amending the parking layout by maintaining the southern-most 5 of the existing 90 degree parking spaces adjacent to the western boundary.

The consent authority further notes and commends the Alice Springs Town Council's initiative to encourage the consideration of landscaping works within the Parsons Street road reserve with a view to enhancing the safety and amenity of the street and streetscape and the applicant's willingness (as indicated by its representative at the hearing) to liaise with the Alice Springs Town Council in relation to possible landscaping works within the road reserve.

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

## **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Landscaping shown on the endorsed landscape plan must be carried out and completed to the satisfaction of the consent authority, before a certificate of compliance for this permit is granted. A Certificate of Compliance (section 65 of the *Planning Act*) must be obtained within 30

days of the commencement of use of the amended drive-through parking lanes as approved under the permit.

4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
5. 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 relevant road authorities.
6. Stormwater is to be collected and retained on the site and/or discharged into the drainage network to the technical standards of and at no cost to City of the Alice Springs Town Council and the Transport and Civil Services Division (DIPL), as relevant, to the satisfaction of the consent authority.

## NOTES

1. 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 Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
2. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
3. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council or Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics), as relevant, before commencement of any work within the road reserve.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. 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.
6. 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.
7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and

Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed changes to the car parking and driveway layout of the existing restaurant, as approved, is considered appropriate to Zone CB (Central Business) of the Northern Territory Planning Scheme and is consistent with relevant policy and reference documents under the Scheme, in the context of the established development of the locality and the characteristics of the site, subject to suitable landscaping/screening being provided to the Parsons Street and Stuart Highway frontages of the site.
2. Variations to sub-clauses 3(g) and 3(i) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme are granted, subject to suitable screening, including screen planting to the Stuart Highway and Parsons Street boundaries, as:
  - a) The application identifies that the proposed changes are intended to increase the drive-through parking capacity with a view to better responding to the existing demand for such parking and by inference improve the functionality of the parking area.
  - b) The existing development of the site offers very limited options to provide additional drive-through parking without reducing the number of other on-site parking spaces.
  - c) The proposed parking layout may be reasonably expected to improve functionality of the parking area, by providing capacity for additional cars within the drive-through and thereby reducing the likelihood of cars queuing for the drive-through interrupting access to and from other parking spaces on the site.
  - d) The proposed parking and site layout includes landscaping strips to both affected street boundaries, which have sufficient dimensions to provide dense screen planting and fencing that may be expected to provide effective partial screening of vehicles within the parking area and drive-ways, from the adjacent streets, such that the existing amenity of the streetscape is not significantly affected.
  - e) Appropriate landscape screening of the parking area from adjoining streets is identified as essential to compliance with relevant objectives of the Scheme relating to the screening of such areas and duly limiting the visual impact of the parking area on the adjacent streets.

Subject to the conditioned requirements in relation to screening of the parking area, the above circumstances are considered to justify the granting of a variation to clause 6.5.3.3(g) and 6.5.3.3 (i) respectively, and the objective of Clause 6.5.3 of the Scheme is expected to be met.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.

4. Pursuant to section 51(h) of the *Planning Act*, 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 anticipates that the change to the car parking and driveway layout will reduce congestion within the main parking area by providing additional dedicated drive-through parking spaces, better servicing established demand and improving on-site amenity. It is envisaged that the proposed changes to the parking layout will reduce congestion within the parking area, by providing additional dedicated drive-through parking spaces.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
6. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. 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.
7. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The Department of Environment and Natural Resources (Environment Division) has advised of potential dust and noise impacts on the amenity of the locality and highlighted the obligation to comply with the general environmental duty under section 12 of the *Waste Management and Pollution Control Act*. A standard advisory note in relation to this matter is included in the development permit.

The proposed development is not expected to have any significant impact on the amenity of the adjoining streets use of a vacant part of an existing building is not expected to have any adverse impact on the amenity of the locality or adjoining streets, subject to suitable screening of the parking area and drive-through driveways from the Stuart Highway and Parsons Street.

The consent authority further notes and commends the Alice Springs Town Council's initiative to encourage the consideration of landscaping works within the Parsons Street road reserve with a view to enhancing the safety and amenity of the street and streetscape and the applicant's willingness (as indicated by its representative at the hearing) to liaise with the Alice Springs Town Council in relation to possible landscaping works within the road reserve.

8. Pursuant to section 51(p) of the *Planning Act* the consent authority must take into consideration the public interest. The Department of Health has

identified the potential for public health risk during construction, by contamination of food through excessive dust particles. While the application does not address the matter, a permit note highlighting the need to comply with relevant health legislation may be expected to ensure that the matter is duly addressed by the developer and restaurant operator.

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

**ITEM 3**            **INTERNAL ALTERATIONS TO AN EXISTING MEDICAL CLINIC TO CREATE 4  
ADDITIONAL CONSULTATION ROOMS**  
**PA2018/0332**   **LOT 8773, 26 DIARAMA CLOSE, SUBURB OF ARALUEN**  
**APPLICANT**   **SUSAN DUGDALE & ASSOCIATES**

Flynn Carr, representing the applicant and Tim Brand, representing the Central Australian Aboriginal Congress, attended the meeting and spoke further to the application.

**RESOLVED**      That, the Development Consent Authority varies the requirements of clause 6.5.1  
**0108/18**            (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to  
section 53(a) of the *Planning Act*, consents to the application to develop Lot 8773  
(26) Diarama Close, Suburb of Araluen, Town of Alice Springs, for the purpose of  
alterations and additions to an existing 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. To the extent of inconsistencies between the floor layout of the medical clinic endorsed as forming part of Development Permit DP16/0070 and the drawings endorsed as part of this permit, the latter will prevail.
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 shown on the endorsed drawings, in accordance with the authorities' requirements and relevant legislation at the time, to the satisfaction of the consent authority.
3. All air conditioning units and/or condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of, to ground level, in a controlled manner to the satisfaction of the consent authority.

#### **NOTES:**

1. This development permit does not grant "building approval" for the proposed 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](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.

3. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The additions to the medical clinic development and use, as approved, are considered appropriate to Zone C (Commercial) 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. Having considered the matters listed in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, it is considered that a variation to Clause 6.5.1 (Parking Requirements) of the Scheme can be supported be supported in this instance, as:
  - a) There are bus stops for regular bus services within 100 metres of the property.
  - b) The fundamental principle of the medical clinic model is that it is within walking distance from the client population and therefore will create the ease of access required to assist those individuals who do not have motor vehicles.
  - c) It is envisaged that a significant proportion of the client visits to the shopping centre are residents in the surrounding neighbourhood and will travel by community bus service, foot, bicycle or public transport, limiting the demand for on-site car parking.
  - d) Peak hours for the medical clinic use are not expected to coincide with peak hours for all other uses, and the demand for parking at any given time is accordingly expected to be limited.
  - e) The existing medical clinic at Lot 8773 has been established on the site for approximately 1 year and the Development Consent Authority is not aware of any shortfall (i.e. inadequacy to meet actual parking needs) of onsite car parking at Lot 8773 either during that time or prior to the granting of Development Permit DP16/0070 which approved the clinic.
  - f) The existing car parking area on Lot 8773 includes approximately 135 formalised parking spaces and an additional 20 informal parking spaces to the rear, which is expected to exceed the parking demand generated by the existing uses of the site in conjunction with the proposed medical clinic additions.

These circumstances are considered to justify the granting of a variation to clause 6.5.1 and the objective of the clause is expected to be met.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account

any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.

4. Pursuant to section 51(h) of the *Planning Act*, 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:
  - a) Improved access and continuity of care to the most marginalised people in Australia through the adoption of a fit for purpose business model which has been highly effective in South East Queensland for improving medical outcomes for patients.
  - b) Improved access to pharmaceutical services [free medicine under section 100 of the *National Health Act 1953* (Commonwealth) to clients.
  - c) Routine external cleaning and on call security for the proposed development.
  - d) Negligible imposition on the public facilities, open spaces and utilities of the area.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development (extensions to medical clinic use) without undue impact on other land.
6. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. 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.
7. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. It is not envisaged that the additions to the medical clinic use will unduly impact on the amenity of adjoining properties or the locality.

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

**ITEM 4**                    **SUBDIVISION FOR THE PURPOSE OF A UNIT TITLES SCHEME IN 2 STAGES TO CREATE 9 UNITS AND COMMON PROPERTY INCLUDING ONE VACANT LOT FOR STAGE 1**  
**PA2018/0297**    **LOT 385, 2 GOYDER STREET, SUBURB OF EAST SIDE**  
**APPLICANT**        **FYFE PTY LTD**

Development Assessment Services tabled copies of service authority comments from the Power and Water Corporation (Water Services and Network Development, respectively).

Gerard Waterford attended the meeting on behalf of the owners and spoke further on the application.

**RESOLVED  
0109/18**

That, the Development Consent Authority varies the requirements of sub-clause 11.1.5.7 of clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, 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 a unit titles scheme subdivision to create 8 units and common property in two stages, subject to the following conditions and for the following reasons:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), further amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be generally consistent with those submitted on 5 September 2018, but further amended to include details of the location of:
  - (a) the sewer, water and electricity supply to Units 2 and 3; and
  - (b) water and electricity supply meters for all Stage 1 dwellingsin a manner that demonstrably complies with sub-clause 11.1.5.6 of clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme. Support in principle from the relevant service authorities in relation to the plans proposed for endorsement is required with respect to utility services (i.e. water and electricity supply and sewerage).
2. A statement from a registered building certifier referencing the amended plans referred to at Conditions Precedent 1 of this permit is required for Stage 1 of this subdivision and should directly address s.46(3)(l) of the *Planning Act* and s.8C of the Planning Regulations and demonstrate/describe the suitability for separate ownership and occupation in terms of the building legislation.

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

**GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks in accordance with the authorities' requirements and relevant legislation at the time.
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. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

7. Prior to new titles being issued for the units shown on the endorsed drawings for a stage of the subdivision, a Scheme Statement meeting the requirements of the Unit Title Schemes Act (as confirmed by the Land Titles Office) shall be submitted for endorsement by the consent authority.
8. With respect to Stage 2 of the approved subdivision, Part V Clearance under the *Planning Act* for subdivision into units under the *Unit Titles Scheme Act* will not be granted until the relevant Certificate of Compliance (in full) has been issued for the development as shown on Development Permit DP17/0347 (or a relevant subsequent multiple dwelling development approval relating to the area shown in the endorsed plans under this permit as Unit 4).
9. Prior to new titles being issued for the units for a Stage as 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 [landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
11. Prior to new titles being issued for a stage, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP17/0347 (or plans endorsed as forming part of this permit, if relevant) as service authority easements, communal open space, shared driveways, shared utility services, areas set aside for the communal storage or collection of garbage or other solid waste, or other shared amenities (as applicable to the stage) are shown on the survey plan as Common Property. This condition is to the satisfaction of the consent authority.
12. A statement from a registered building certifier is required for Stage 2 of the approved subdivision for the purpose of a unit titles scheme, following completion of the multiple dwellings development under Development Permit DP17/0347. The statement should directly address s.46(3)(l) of the *Planning Act* and s.8C of the Planning Regulations, and demonstrate/describe the suitability for separate ownership and occupation in terms of the building legislation. Compliance with this condition is to the satisfaction of the consent authority.

## NOTES

1. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

2. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5362 (surveylandrecords@nt.gov.au).
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
5. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. 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(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. Subject to compliance with the conditions of approval, the unit title scheme proposed is consistent with the purpose of clause 11.1.5 (Subdivision for the Purposes of a Unit Titles Scheme) of the Northern Territory Planning Scheme.
2. A variation to sub-clause 11.1.5.7 of clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) of the Northern Territory Planning Scheme is granted, as:
  - a) The purpose of clause 11.1.1 (Minimum Lot Sizes and Requirements) is "to ensure that unzoned land and lots in Zones SD, MD, MR, HR, RR, RL, R, LI, GI, DV, FD, RD, H, WM and T will be of a size capable of accommodating potential future uses."
  - b) The purpose of clause 11.1.5 is "to ensure that:
    - (i) *the new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;*
    - (ii) *older developments are upgraded; and*

- (iii) *development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality.*”
- c) Consenting to the creation of a vacant lot as proposed is not expected to frustrate the intent of clause 11.1.1 or 11.1.5 of the Planning Scheme.
  - d) The proposed vacant parcel has been approved for development with 5 multiple dwellings, as Stage 2 of Development Permit DP17/0347.
  - e) The development of Lot 385 as approved under DP17/0347 has been designed as a whole of site development with most of the proposed common property areas shared between the dwellings located within the Stage 1 and Stage 2 area respectively.
  - f) The proposed vacant parcel has direct street access and sufficient size and suitable dimensions to allow its development with multiple dwellings in alternative design configurations to that approved under DP17/0347.
- The above circumstances are considered to justify the granting of a variation to sub-clause 11.1.5.7 of the Scheme.
- 3. A scheme statement is required to be submitted and endorsed by the consent authority prior to new titles being issued to ensure that the unit title scheme statement is consistent with the development.
  - 4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal as demonstrated in the application. The application contended the following merits:
    - a) The subdivision will provide land which is considered suitable for the existing and intended future residential use.
    - b) Subdivision in this manner is not inconsistent with several other developments within the area.
    - c) The proposed new units will not deviate from the prevailing pattern of development in the locality in terms of shape size and frontage.
    - d) The proposed new units are in an area where subdivision for the purpose of unit title is a contemplated form of development. The area is suitable for infill development through an increase in both the number of lots and the diversity of houses, primarily occurring through the redevelopment of older and poorer quality housing, replaced with stock of a higher standard. This has the benefit of increasing housing choice and increasing demand for recreational, commercial and community activities consistent with the objectives of the NT Planning Scheme.
  - 5. Pursuant to section 51(q) of the *Planning Act*, 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). For subdivision of non-vacant land, section 8C of the Planning Regulations requires the consent authority to take into account whether parts of the building are suitable for separate ownership or occupation, having regard to:
    - a) the structural integrity of the building;
    - b) the fire safety qualities of the walls and other proposed boundaries within the building; and
    - c) if the building is situated in a part of the Territory to which Part 6 of the Building Act applies under section 6 of that Act – the requirements in relation to structural integrity and fire safety prescribed under that Act at the date the development application was made.

A statement from a building certifier was included with the application as exhibited. Given the changes to the proposed subdivision, a statement from a

building certifier referencing the amended plans be required as a conditions precedent, directly addressing s.46(3)(l) of the *Planning Act* and s.8C of the Planning Regulations, and demonstrating suitability for separate ownership and occupation in terms of the building legislation. A statement is also required for Stage 2 of the approved subdivision, following completion of the development approved under Development Permit DP17/0347.

6. The conditions of approval are expected to assist in ensuring the orderly servicing of the development.

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

**ITEM 5**                    **RECONSIDERATION – VARIATION OF FINISHED FLOOR LEVEL OF  
INDEPENDENT UNIT APPROVED BY DEVELOPMENT PERMIT DP17/0067**  
**PA2017/0012**       **LOT 4995, 25 HEENAN ROAD, SUBURB OF ROSS**  
**APPLICANT**       **DEBORAH PAGE**

Stuart Chalmers (Zone A Pty Ltd) attended the meeting on behalf of the owner and spoke further on the application.

**RESOLVED**  
**0110/18**

That, the Alice Springs Division of the Development Consent Authority, pursuant to section 86(1) of the *Planning Act* and with reference to section 42 of the Interpretation Act delegate it's powers under section 57(3) of the *Planning Act*, to a member of the Division to consent to the application to vary condition 1 of DP17/0067 for the purpose of changes to the finished floor levels of the independent unit subject to the receipt of a drawings (generally consistent with drawing numbers PA2017/0012/01 to PA2017/0012/05 which were endorsed by a delegate of the Authority on 04/04/2017 and the drawings submitted on 08/08/2018) but amended to show:

- The altered roof pitch of the verandah, and the roof mounted solar hot water system; and
- Labelling / identification of flood proofing (as required by the new condition and advisory note listed below).

Condition 1 of DP17/0067 is no longer applicable and is deleted.

Condition 2 of DP17/0067 is varied as follows:

Condition 2:

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

The following additional conditions and advisory notes shall be included on DP17/0067:

Condition 5:

The finished floor levels of the *independent unit* must be minimum of 70mm above the applicable flood level for the property which is (552.82) metres AHD. Note: The applicable flood level for the development site is (552.75) metres AHD.

Condition 6

Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on Lot 4995, Town of Alice Springs to include the following

advice on the site indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement/registration on the parent parcel shall be provided to the satisfaction of the consent authority.

Condition 7:

The independent unit must be partially flood-proofed no lower than 300mm above the projected 1% AEP flood level for the site. The suitability of materials and construction methods used to achieve partial flood-proofing must be confirmed in writing by a registered structural engineer or building certifier and the developer must provide the Authority with certification that works have been implemented in accordance with the terms of this condition. This condition is to the satisfaction of the Authority.

NOTE:

1. Flood-proofing may be satisfactorily achieved by:
  - (a) constructing all external and load bearing walls and building slab in such a manner that they:
    - will resist deterioration during and following inundation;
    - will at worst be mildly affected by inundation; and
    - will be easily repairable following inundation (if affected).

or

- (b) implementing flood-proofing works/measures in accordance with an alternative flood proofing schedule/strategy submitted to and approved by the Authority as part of this permit.

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

**SUZANNE PHILIP**  
Chair

17 September 2018