



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

#### **MINUTES**

**MEETING No. 225 – WEDNESDAY 11 OCTOBER 2017**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), David Koch, Alistair Feehan,  
Jamie de Brenni, Jade Kudrenko

**APOLOGIES:** Nil

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

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 10:15am and closed at 11:40am**

THE MINUTES OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **CHANGE OF USE FOR PART OF LOT 9139 FROM LIGHT INDUSTRY (CAR DETAILING) TO MOTOR VEHICLE SALES WITH ALTERATIONS TO DISPLAY AREAS AND PARKING LAYOUT**  
**PA2017/0436**       **LOTS 9139 & 9140, 6 & 8 COLSON STREET, TOWN OF ALICE SPRINGS**  
**APPLICANT**       **STANTON DAHL ARCHITECTS**

Andrew Kittle attended the meeting and spoke further to the application.

**RESOLVED**       That, the Development Consent Authority vary the requirements of Clause  
**0084/17**               2.4 (Zone SA3) of the NT Planning Scheme, and pursuant to section 53(b) of  
the *Planning Act*, alter the proposed development and consent to the  
proposed development as altered to develop Lots 9139 & 9140, 6 & 8  
Colson Street, Town of Alice Springs for the purpose of a change of use for  
part of Lot 9139 from Light Industry (car detailing) to motor vehicle sales with  
alterations to display areas and parking layout, subject to the following  
conditions:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but amended to show :
  - a) heights of all proposed building works compliant with sub-clause 2 of Clause 6.2.1 (Building Heights in Alice Springs) of the NT Planning Scheme;
  - b) full landscaping details of the proposed development including:
    - i) *existing plants to be retained and/or removed;*
    - ii) *details of surface finishes of pathways and driveways;*
    - iii) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;*
    - iv) *landscaping and planting within all open areas of the site (not otherwise identified as vehicle display, hardstand car parking, pathways etc);*
    - v) *provision of an in ground irrigation system to all landscaped areas.*All species selected must be to the satisfaction of the consent authority.

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

#### **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
4. Storm water 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 and / or the Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the use or occupation of each stage of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors / clients.
8. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
9. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
10. 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 advice from the Alice Springs Town Council and Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics.



11. Gates and fencing to the Stuart Highway frontage are to be in accordance with the Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics standards and requirements to deter unauthorised vehicular and/or pedestrian movement. Any gates provided are to be fixed to open inwards only. This condition is to the satisfaction of the consent authority on advice from the Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics.
12. Any floodlighting or security lighting provided on site shall be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway and service lane traffic. This condition is to the satisfaction of the consent authority on advice from the Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics.
13. Before the use/occupation of each stage 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.
14. 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.
15. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash;
  - (d) dust, waste water, waste products, grit or oil;
  - (e) presence of vermin.

#### NOTES:

1. 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.
2. This development permit does not grant "building approval" for the proposed structures and use. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council and *Transport Infrastructure Division of the Department of Infrastructure, Planning and Logistics*, before



commencement of any work within the road reserves.

4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
  - (a) so as not to create sun or headlight reflection to motorists; and
  - (b) be located entirely (including foundations and aerially) within the subject lot.
5. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
6. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to road traffic.
7. 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.
8. 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.
9. 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 52(1)(b) of the *Planning Act* and sub-clause 5 of Clause 6.2.1 of the NT Planning Scheme, the Development Consent Authority does not have the discretionary power to approve a building over 8.5m in height within Zone SA3. Rather than refusing the application, the Authority has altered the proposal with a condition precedent requiring submission of amended plans showing building heights compliant with Clause 6.2.1 of the Scheme.
2. A detailed landscaping plan is required to ensure compliance with the objectives and performance criteria of Zone SA3 and Clause 6.12 (Landscaping) of the NT Planning Scheme.
3. Pursuant to section 51(a) of the *Planning Act*, in considering a

development application, the Development Consent Authority is required to take into account the planning scheme that applies to the land to which the application relates. Subject to the receipt of amended drawings, the proposed development will be consistent with the:

- (a) purpose of specific use Zone SA3 which is to 'facilitate use and development of the land for a range of commercial uses while ensuring a level of visual amenity appropriate to the location'. Furthermore, the proposed development is considered to be of a scale and character compatible with uses and development nearby
  - (b) objectives and guidance contained within the Western Area Plan referred to in Part 8 of the NT Planning Scheme. The development will be landscaped to a high standard and provides car parking spaces on site in excess of the minimum standards required by the Scheme.
4. A variation to clause SA3 (subclause 2(iv)) of the NT Planning Scheme is granted to allow a 1.5m setback to the existing building abutting Lot 9138, where a 5m setback is required, is expected to satisfactorily respond to the relevant objectives of the NT Planning Scheme as:
- (a) the existing showroom has a southern side setback of 2m and was previously approved by Development Permit DP05/0123;
  - (b) existing arrangements indicate there have been no issues as a result of the reduced setback; and
  - (c) the new external cladding on the southern elevation is only 4.5m in length.
5. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was exhibited in accordance with the Act and Regulations and referred to the Alice Springs Town Council. The Alice Springs Town Council in its capacity as a local authority noted that the application has been assessed on technical requirements only and did not raise any other issues. No public submissions were received under section 49 of the Act.
6. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application. Subject to the receipt of amended drawings (as listed in the conditions of approval), the proposed development and use demonstrates a high level of compliance with the objectives and performance criteria of the NT Planning Scheme.
7. 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 physical characteristics of the land are considered suitable for the proposed development and the design has been assessed as complying with the majority of controls contained within Zone SA3 (Specific Use).
8. Pursuant to section 51(m) of the *Planning Act*, in considering a

development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised those connections to, and upgrading of infrastructure for power services are to be in accordance with PAWC's requirements and works are not to encroach into easements. The conditions of approval are intended to ensure service authority interests are duly recognised.

9. Pursuant to section 51(n) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. The building design is consistent with the site coverage, car parking layout and landscaping provision of existing developments along Stuart Highway frontage and Colson Street. Any future development or change of use of the land will be subject to the consent of the consent authority.
10. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

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

**ITEM 2**                    **CHANGE OF USE FROM SHOP TO MEDICAL CLINIC (EXTENSIONS AND ALTERATIONS TO AN EXISTING MEDICAL CLINIC)**  
**PA2017/0408**       **LOT 8478, 70 SPEARWOOD ROAD, SUBURB OF SADADEEN, TOWN OF ALICE SPRINGS**  
**APPLICANT**       **SUSAN DUGDALE AND ASSOCIATES**

Susan Dugdale and Flynn Carr (representing the applicant) attended the meeting and spoke further to the application.

**RESOLVED**       That, the Development Consent Authority varies the requirements of Clause  
**0085/17**       6.5.1 (Parking Requirements) and Clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the proposal and consents to the application as altered to develop Lot 8478 (70) Spearwood Road, Suburb of Sadadeen, Town of Alice Springs, for the purpose of change of use from shop to medical clinic (extensions and alterations to an existing medical clinic), subject to the following conditions and for the following reasons:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but amended to:
  - a) detail all boundary fencing and any internal fencing and/or gates on



- Lot 8478 proposed to be retained, accompanied by evidence of support in principle from the NT Fire and Rescue Service;
- b) show the dimensions of the PAWC electricity supply easement;
  - c) show landscaping (planting; or, if prohibited by PAWC easements, underground infrastructure/servicing constraints - alternative partial screening) between the western most parking spaces and the western boundary of the property (landscaping/screening should be selected to lessen the visual impact of the car parking area on the streetscape);
  - d) detail air-conditioning condenser units associated with the medical clinic (including the clinic approved under Development Permit DP16/0069 and the additions approved by this permit) and screening from adjoining residential properties and Grevillea Drive;
  - e) clearly designate the 'shared zone' between the parking bays for persons with a disability to the front of 'Unit 6'; and
  - f) (optionally) remove one of the disabled bays to the front of Unit 6;

The consent authority recommends consultation with a registered building certifier in relation to design of the parking space/s for persons with a disability.

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

## **GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the development shown on the drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, on advice from the Council, to the satisfaction of the consent authority.
6. Before the use/occupation of the approved medical clinic additions starts the landscaping and screening works shown on the endorsed site plan must be carried out and completed in accordance with the endorsed plans, to the satisfaction of the consent authority.
7. The landscaping and screening 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.

8. Before the use/occupation of the approved medical clinic additions starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained; and
  - e) line marked or delineated to indicate each car parking space and all access lanes;
  - f) to the satisfaction of the consent authority.Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.
9. All air conditioning units and/or condensers (including any condenser units required to be added or replaced in the future) associated with the medical clinic (including the clinic approved under Development Permit DP16/0069 and the additions approved by this permit) are to be appropriately screened from Grevillea Drive, and neighbouring residential properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

**NOTES:**

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council, before commencement of any work within a road reserves.
2. This development permit does not grant "building approval" for the proposed works or change of use 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.
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 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.
5. Notwithstanding the approved plans, all signage is subject to the Alice Springs Town Council approval, at no cost to Council.
6. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the consent authority must take into account the planning scheme that applied to the land to which the application relates. The proposed additions to the medical clinic development and use (previously approved by DP16/0008) is 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. Taking into account the matters listed in Clause 6.5.2 (Reduction in Parking Requirements), it is considered that a variation to clause 6.5.1 (Parking Requirements) of the NT Planning Scheme can be supported be supported in this instance, as:
  - a) there is a bus stop for a regular bus service within 50 metres of the property;
  - b) a significant proportion of the clients for the proposed extension to the medical clinic may be expected to travel by foot or community bus service;
  - c) the proposed staffing for this site, includes a bus driver;
  - d) the fundamental principle of the proposed 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;
  - e) it is envisaged that a significant proportion of the client visits to the shopping centre are residents in the surrounding neighbourhood and travel by foot, bicycle or public transport, limiting the demand for on-site car parking;
  - f) bicycle parking infrastructure is already established on the site; and
  - g) 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.
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; The long term tenancy of a vacant premises that is expected to improve the viability of neighbouring tenancies; and
  - 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. Subject to compliance with the conditions of approval, 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.
  - a) The Alice Springs Town Council (Council) has requested development permit conditions as follows:
    - (i) Any shortfall in the number of car parking spaces provided in the proposed plans, relative to the number of car parking spaces required under the NT Planning Scheme shall be addressed and alternatives provided to avoid on street parking. A Car Parking shortage of 12 spaces have been identified.
    - (ii) Being a corner site parking on the road reserve will create unsafe situations if the Line of Sight is impacted. On street parking is not a permissible option.It is envisaged that the proposed car parking will adequately service the proposed development and use or reasons detailed in this Notice of Consent. The Council has the authority to prohibit on street car parking and the reliance on a development permit to prohibit such parking is not considered to be appropriate or enforceable.
  - b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and has requested standard permit conditions and notes relating to PAWC interests. Standard conditions and notes regarding works and easements are expected to duly recognise PAWC's interests with respect to the proposed development.

- c) Internal fencing to the northern and eastern sides of the main building on the site is not shown on the development plans and has a potential to inhibit access for emergency vehicles. A condition precedent is included to assist in ensuring that fencing complies with fire safety requirements.
7. Pursuant to section 51(n) of the *Planning Act*, 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 site adjoins residential properties, however, the proposed use of part of an existing building for the purpose of a medical clinic and minor alterations to the existing parking layout are not expected to have any significant impact on the amenity of any adjoining property or the area. Conditions of approval relating to screening and landscaping are expected to assist in ensuring that parking areas and air-conditioners do not unduly impact on the amenity of adjoining residential properties or streets.

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

**ITEM 3**                      **4 X 3 BEDROOM MULTIPLE DWELLINGS IN 4 X 1 STOREY BUILDINGS**  
**PA2017/0417**           **NT PORTION 7306, 1 CRAMER STREET, SUBURB OF KILGARIFF, ALICE**  
                                  **SPRINGS**  
**APPLICANT**           **SUSAN DUGDALE & ASSOCIATES**

Miriam Wallace and Susan Dugdale (representing the applicant) attended the meeting and spoke further to the application.

**RESOLVED**            That, the Development Consent Authority varies the requirements of clause  
**0086/17**                6.5.3(3) (Parking Layout) and clause 7.3 (Building Setbacks of Residential  
                                  Buildings and Ancillary Structures) of the NT 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 NT Portion 7306 (1) Cramer  
                                  Street, Suburb of Kilgariff, Alice Springs for the purpose of 4 x 3 bedroom multiple  
                                  dwellings in 4 single storey buildings, subject to the following conditions, for the  
                                  following reasons:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited, but modified to:
  - a) improve the parking layout to allow vehicles to conveniently enter and exit the site in a forward gear;
  - b) detail fencing adjacent to the proposed 'multi-meter area and electricity supply easement' to the east of House 3, ensuring accessibility for servicing and meter reading;
  - c) clarify the relationship between ground level and the finished floor levels of the dwellings. i.e.: provide cross section showing height of dwellings in

relation to fences etc. and ensure no overlooking to adjoining lots.

The consent authority further encourages the applicant to consider reviewing the site layout and building design for House 3 and House 4 to locate the private open space areas so that they are not directly facing the southern boundary with a view to improving separation from proposed private open spaces within adjoining NT Portion 7306 and achieving improved winter solar access to private open space areas.

2. Prior to the commencement of works, detailed design documentation for the stormwater drainage infrastructure, footpath connections, kerb cross-over/access and any other works that may impact the Cramer Street or Welton Parade road reserve infrastructure shall be submitted to and achieve 'Permission to Use' from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit). All designs that relate to the Lands and Planning Division's infrastructure are to comply with the Alice Springs Town Council's Subdivision and Development Guidelines, be to the satisfaction Lands and Planning Division (Land Development Unit) and must be prepared and certified by suitably qualified persons. The documentation shall include: details of the stormwater drainage discharge, drainage masterplan, calculations for major and minor storm events, detailed design drawings and the technical specifications.

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

## **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. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.
5. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council or the Department of Infrastructure, Planning and Logistics. This condition is to the satisfaction of the consent authority on advice from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit) (or the Alice Springs Town Council, in the event that that agency has accepted responsibility for roads and drainage to the subdivision).
6. The kerb crossover/s and driveway/s to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council. In addition, the owner shall;
  - a) remove any disused vehicle and/ or pedestrian crossovers; and
  - b) undertake reinstatement works; all to the technical requirements of the Alice Springs Town Council, at no cost to either the Council or the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
7. 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.

8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. 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. An Occupancy Permit will not be able to be granted until such time as addressing is obtained.
11. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both [landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au).
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, on advice from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit) (or the Alice Springs Town Council, in the event that that agency has accepted responsibility for roads and drainage to the subdivision).
13. Before the use/occupation of the approved multiple dwellings starts the landscaping works shown on the endorsed landscape plan must be carried out and completed and in-ground irrigation system/s must be installed to landscaped areas, in accordance with the endorsed plans, to the satisfaction of the consent authority.
14. 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.
15. Before the use/occupation of the approved development starts, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a) constructed;
  - b) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained; and
  - e) line marked or delineated to indicate each car parking space and all access

lanes;

f) to the satisfaction of the consent authority.

Car spaces and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.

16. All air conditioning units and condenser units (including any units required to be added or replaced in the future) are to be visually screened from adjoining properties, dwellings and streets to the satisfaction of the consent authority.

## NOTES

1. A Permit to Work Within a Road Reserve is required from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit) (or the Alice Springs Town Council, in the event that that agency has accepted responsibility for roads and drainage to the subdivision) before commencement of any work within a road reserve.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](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 Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5355 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
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. NT Portion 7306 is located within the *Soil Conservation and Land Utilisation Act* Declared Erosion Hazard Area. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.
7. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from Department of Environment and Natural Resources.
8. 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to



determine if the proposed works are subject to the Act.

## REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority (the consent authority) must take into consideration the NT Planning Scheme (the Planning Scheme). The site is a vacant lot located within Stage 1(a) of the Kilgariff subdivision and is considered to be 'greenfield' rather than 'infill'. The development of 4 x 1 storey 3-bedroom multiple dwellings as approved is considered to be consistent with the zone purpose statement, for Zone MD (Multiple Dwelling Residential).
2. The consent authority grants a variation to:
  - a) clause 6.5.3(3)(g) (Parking Layout) of the NT Planning Scheme with respect to the width of landscaping required between a street and a parking area, as:
    - (i) the proposal provides screen planting and a screen wall and is expected to meet the intent of the sub-clause; and
    - (ii) the proposed depth of landscaping is considered adequate to limit any potential visual impact of the two double parking as proposed; and
  - b) clause 6.5.3(3)(i) (Parking Layout) of the Scheme with respect to minimum driveway width, as:
    - (i) the layout is expected to be functional, subject to suitable minor revisions to allow vehicles to conveniently enter and exit the site in a forward gear, as required by conditions precedent 1 of the development permit subject of this Notice;
    - (ii) vehicle movements along the driveway within the site are expected to be limited; and
    - (iii) sight lines and a low speed traffic environment are expected to be maintained; and
    - (iv) the reduced width optimises site area available for other use by residents.
  - c) clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Scheme with respect to the secondary street setbacks as:
    - (i) planting and fencing between the boundary and the carports is expected to assist in integrating the structures into the streetscape;
    - (ii) the Cramer Street boundary alignment is irregular, making compliance with minimum setback requirements more difficult to achieve; and
    - (iii) the carports are sufficiently large for two vehicles and are open structures and are not expected to present as 'visually massive'.

The consent authority, in accordance with clause 2.5.4 of the Planning Scheme is satisfied that special circumstances, as outlined above justify the giving of consent as granted, despite non-compliance with clause 6.5.3 and clause 7.3 of the Scheme respectively and that the development of the site as proposed, with suitable revisions as required/facilitated through the conditions of approval is not expected to frustrate any objective of the Planning Scheme on account of the variations granted.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information



received under section 50 of the Act. No public or local authority submissions were received in relation to the application.

4. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposal. The proposed development is expected to be compatible with existing and future development within the Kilgariff subdivision, contribute to the range of housing available in Alice Springs and offer residents a good level of amenity.
5. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated and the proposed development, subject to the receipt of suitably amended drawings, is not expected to unduly impact on the amenity of adjoining properties or the locality.
6. Pursuant to section 51(m) of the *Planning Act* the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. Relevant service authorities have been consulted and the conditions of approval are expected to duly recognise agency interests.
7. The conditions of approval are expected to assist in reasonably ensuring:
  - a) the orderly development of the site;
  - b) due recognition of service authority interests;
  - c) a satisfactory level of amenity for future occupants of the dwellings; and
  - d) no material impact on the amenity of adjoining properties or the locality.

**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

13 / 10 / 2017