



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 268 – WEDNESDAY 8 DECEMBER 2021

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Allison Bitar,
Jimmy Cocking

APOLOGIES: Deepika Mathur

OFFICERS PRESENT: Dawn Parkes, Benjamin Taylor, Fraser Cormack,
Jennie Ryan

COUNCIL REPRESENTATIVE: Stephen Baloban

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

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 PARALLEL APPLICATIONS: RE-SUBDIVISION OF UNIT PLAN
PA2021/0367 UP95/023 PURSUANT TO THE *UNIT TITLES ACT 1975* & SUBDIVISION
AND CONSOLIDATION TO CREATE THREE LOTS**

**LOT 8131 (26) PALM PLACE & LOT 7406 (15) RAGONESI ROAD,
SUBURB OF ROSS**

Alexandra Maraganis (Manager, Crown Land Estate) and Ken Gardner (Manager, Land Development) (representing the applicant) attended the meeting via videoconference and spoke further to the development applications.

Ronald Sterry (Micro Holdings Pty Ltd) spoke to his submission and tabled extracts from a stormwater drainage report and photographs of the locality.

Stephen Baloban (representing the Alice Springs Town Council) spoke to the application.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent
0074/21 Authority consent to the application to develop Lot 7406 & Lot 8131 (15) Ragonesi
Road and (26) Palm Place, Suburb of Ross, Town of Alice Springs for the purpose
of subdivision and consolidation to create 3 lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The subdivision must proceed in the order of stages as shown on the endorsed drawing/s unless otherwise agreed in writing by the consent authority.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. 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.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunications services to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. The kerb crossovers and driveways to each lot approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.

7. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
8. Any proposed work (including the provision or connection of services) within, or impacting upon the road reserves shall be in accordance with the standards and specifications of the Alice Springs Town Council. Design documents must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
9. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers; and
 - (b) undertake reinstatement works within the road reserve/s;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
10. Prior to the issue of the Part V (section 62 *Planning Act 1999*) clearance for the subdivision, a written confirmation from a registered building certifier (or other suitably qualified person to the satisfaction of the consent authority) confirming that the existing buildings (on Lot A and Lot C) noted on the endorsed drawings as being demolished, have been demolished or upgraded comply with the *Building Act 1993*, must be provided to the satisfaction of the consent authority.
11. Appropriate erosion and sediment control measures must be effectively implemented throughout any demolition or construction activities associated with the subdivision, and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website (www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets (available at <https://nt.gov.au/environment/soil-land-vegetation>). For further advice, contact the Development Coordination Branch on (08) 89994446.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" will be required from the Alice Springs Town Council before commencement of any work within the road reserves.
3. As part of any subdivision, the lot/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 (08) 89955362. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).

5. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
6. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
7. An updated Compliance Certificate under the *Swimming Pool Safety Act 2004* issued by the Swimming Pool Safety Authority may be required for the swimming pool/s on the site - for further information contact the Swimming Pool Fencing Unit ph: (08) 89243641 or email: pool.fencing@nt.gov.au
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. 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.
10. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunication infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
11. Lots 7406 & 8131 are located within the Alice Springs Erosion Hazard Area as declared under the *Soil Conservation and Land Utilisation Act 1969*. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control. For further information, contact the Land Development Coordination Branch: (08) 89994446.
12. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 89994446.
13. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.

14. 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.
15. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
16. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at:
<https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land which is zoned TC (Tourist Commercial).

The proposed subdivision requires consent under Clause 1.8 (When development consent is required) and Clause 6.1.1. It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), therefore, the:

- Strategic Framework (Part 2),
 - Overlays (Part 3),
 - Zone Purpose and Outcomes of Zone TC (Tourist Commercial) (Part 4); and
 - Subdivision and Consolidation Requirements (Part 6)
- need to be considered by the consent authority.

The 'Editor's Note' included within Clause 6.1 specifies that - *Zones not mentioned in Part 6 do not have minimum subdivision requirements, and should respond to the relevant zone purpose and outcomes and the Strategic*

Framework. The subject site is zoned TC which is not referenced in “Part 6” of the NTPS2020.

The proposal was considered with regard to the Alice Springs Regional Land Use Plan 2016 (ASRLUP), which is a relevant component of the Strategic Framework. The proposed subdivision is not expected to have any adverse impact in terms of the objectives of the ASRLUP.

Clause 3.6 (Land Subject to Flooding) of the NTPS2020 is an applicable overlay, as part of the site is within the defined flood area for a 1% AEP flood event. Given its location on the outside of the flood fringe may flood velocity and height is expected to be negligible. The existing dwellings on “Lot B” are located on a portion of the site that modelling indicates will not be inundated.

The proposed lots are all assessed as having sufficient size and dimensions to accommodate a range of land use and development types that are permissible in Zone TC (subject to the requirements of Clause 1.8 of the NTPS2020).

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application for “subdivision and consolidation to create 3 lots” was exhibited in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000* that were in force at the time of lodgement.

1 public submission was received under section 49 of the Act. The matters raised in the submission have been acknowledged and discussed in the report considered by the Development Consent Authority. The Authority considered the evidence provided by the submitter and the applicants representatives at the public hearing.

3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.

The application outlined the following merits:

- “Lot A” (abandoned restaurant) and “Lot C” will be removed from the registered Units Plan which will:
 - alleviate financial and management burden to the body corporate
 - create 2 x freehold Zone TC allotments, available for further development
 - rationalise servicing arrangements
 - the subdivision design:
 - utilises existing vehicle access points
 - lot boundaries follow the approximate line of the existing units
 - there will be no impact to the:
 - amenity of the streetscape or nearby properties
 - driveways and car parking areas of the site, as minimal civil works will be required to effect the 3 lot subdivision.
4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates

to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The physical characteristics of the land are considered suitable for the proposed subdivision to create 3 lots. No filling of the site will be required and the site is within an established tourist commercial locality. 1% AEP flood mapping indicates that the existing dwellings on Lot B are on an area of the site not liable to inundation.

The proposed internal boundary lines of the freehold lots are generally consistent with those of Unit 53 and Unit 54 shown on Unit Plan UP95/023. With the exception of connections to telecommunications, electricity, water and sewer services, there will be no noticeable impact on the physical characteristic of the locality.

Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address the Alice Springs Town Council's requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The conditions of approval and advisory notes will ensure:

- Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity and water services that apply to the subdivision of the land; and
- The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, 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.

Subject to compliance with the conditions of approval, the proposed subdivision is not expected to have any adverse impact on the existing or future amenity of the area and the lots are of a size considered capable of supporting the existing and continued use for tourist commercial purposes in accordance with the zone.

7. Pursuant to section 51(1)(q) of the *Planning Act 1999*, in considering a development application for a proposed subdivision of land on which a building is, or will be situated, the Development Consent Authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building) . The statement from a building certifier and drawings included with the application identified that a number of buildings will need to be demolished to avoid encroachment over boundary lines. Conditions of approval will ensure the matters

listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* will be complied with.

8. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

There are no declared heritage places on the subject site or abutting land. The land owner has discussed the proposal with the Aboriginal Areas Protection Authority and obtained an Authority Certificate for undertaking any works on the subject site and adjacent road reserves.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

**RESOLVED
0075/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 7406 & Lot 8131 (15) Ragonesi Road and (26) Palm Place, Suburb of Ross, Town of Alice Springs for the purpose of re-subdivision of Unit Plan UP95/023 pursuant to the Unit Titles Act 1975 (51 units and common property), subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
2. Part V (section 62 *Planning Act 1999*) clearance for subdivision into units under the *Unit Titles Act 1975* will not be granted until the relevant Part V (section 62 *Planning Act 1999*) clearance has been issued for the subdivision permit DP21/0xxx (subdivision and consolidation to create 3 lots).
3. 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.
4. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new unit 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 waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
5. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP01/0215 as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown of the survey plan as Common Property.

NOTES:

1. As part of any subdivision, the unit/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 (08) 89955362. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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 street addresses to the Survey and Land Records unit on 08 8995 5354 (surveylandrecords@nt.gov.au).
4. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserves.
5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
6. Lots 7406 & 8131 are located within the Alice Springs Erosion Hazard Area as declared under the *Soil Conservation and Land Utilisation Act 1969*. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control. For further information, contact the Land Development Coordination Branch: (08) 89994446.

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land which is zoned TC (Tourist Commercial).

The proposed subdivision requires consent under Clause 1.8 (When development consent is required) and Clause 6.1.1. It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii); Therefore, the Strategic Framework (Part 2), Overlays (Part 3), Zone Purpose and Outcomes of Zone TC (Tourist Commercial) (Part 4) and Subdivision and Consolidation Requirements (Part 6) need to be considered.

The Editor's Note included with Clause 6.1 specifies that - *Zones not mentioned in Part 6 do not have minimum subdivision requirements, and should respond to the relevant zone purpose and outcomes and the Strategic Framework*. The subject site is zoned TC which is not referenced in "Part 6" of the NTPS2020.

The NT Planning Scheme 2020 does not include provisions for assessment of a re-subdivision under the *Unit Titles Act 1975*, however Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme) of the Scheme was considered for guidance and the proposal complies.

The proposal was considered with regard to the Alice Springs Regional Land Use Plan 2016 (ASRLUP), which is a relevant component of the Strategic Framework. The proposed subdivision is not expected to have any adverse impact in terms of the objectives of the ASRLUP.

Clause 3.6 (Land Subject to Flooding) of the NTPS2020 is an applicable overlay, as part of the site is within the defined flood area for a 1% AEP flood event. Given the sites location on the outside of the flood fringe flood velocity and height is expected to be negligible. The building footprint of the existing dwellings on “Lot B” are located on a portion of the site that modelling indicates will not be inundated.

A condition is included on the permit to obtain a Part V (section 62 *Planning Act 1999*) clearance for the subdivision and consolidation to create 3 lots prior to the issue of a Part V (section 62 *Planning Act 1999*) clearance for the *Unit Titles Act 1975* subdivision.

2. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. Reticulated water supply, electricity and sewerage services are available in the area. The conditions of approval will assist in ensuring:
 - service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity, sewerage and water services and associated works that apply to the re-subdivision of the Unit Plan; and
 - the NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.
3. Pursuant to section 47A(b) of the *Planning Act 1999*, no public notice was required for the consolidation of land. In accordance with sections 48 and 48A of the Act, the local government council (Alice Springs Town Council) and service authorities were notified of the application, no submissions were received.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 2
PA2021/0345

PARALLEL APPLICATIONS: OFFICE, MEDICAL CLINIC AND CHILD CARE CENTRE IN A 3 STOREY BUILDING AND 2 EXISTING BUILDINGS AND SUBDIVISION TO CREATE TWO LOTS

LOT 9914 (127) TODD STREET, TOWN OF ALICE SPRINGS

Susan Dugdale and Doug Baille (representing the applicant) attended the meeting and spoke further to the applications.

Stephen Baloban (representing the Alice Springs Town Council) spoke to the applications.

**RESOLVED
0076/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consents to the application to subdivide Lot 9914 (127) Todd Street, Town of Alice Springs for the purpose of subdivision to create two lots, 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 site earthworks plan indicating finished levels of the proposed lots is to be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots. Fill works are not expected to exceed those required to match natural ground levels including those on the adjacent properties and must be designed to ensure that stormwater is retained on the site or directed into the drainage network.
2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

Documentation prepared in response to the conditions precedent requirements may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics via email to das.ntq@nt.gov.au

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing/s endorsed by the consent authority 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 to each lot shown on the endorsed plan 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. Confirmation is required from a suitably qualified person (e.g. a registered Land Surveyor or Civil Engineer) that “as-constructed” site levels for the subdivision reflect the endorsed drawing/s. This condition is to the satisfaction of the consent authority on the advice of the Alice Springs Town Council.
7. The kerb crossover/s and driveway/s to each lot approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
8. The owner shall remove disused vehicle crossovers and undertake reinstatement works all to the technical requirements of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
9. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website (www.austieca.com.au) and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) Procedures (available at <https://nt.gov.au/environment/soil-land-vegetation>) For further advice, contact the Development Coordination Branch on (08) 8999 4446.

NOTES:

1. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
2. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
3. 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 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.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on 08 8995 5354 (surveylandrecords@nt.gov.au).
5. A “Works Permit” may be required from the Alice Springs Town Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council’s road network.
6. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@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. For the purposes of best practice land management and environmental protection, it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) Procedures, available at <https://depws.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works). All disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Development Coordination Branch on (08) 8999 4446.
8. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act) that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is also requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management> .

The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The NT EPA may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

Some environmental issues that must be considered to satisfy the environmental duty during the construction phase, are as follows:

- The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
- The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the Northern Territory Noise Management Framework Guideline available at <https://ntepa.nt.gov.au/news/2018/nt-noise-management-framework-guideline>
- The proponent must ensure that soil erosion control measures are employed in accordance with NT EPA publications Guidelines to Prevent Pollution from Building Sites and Keeping Our Stormwater Clean
- The proponent must ensure that there is no discharge of contaminated water from the premises into either the groundwater or any surface waters.
- The proposed activities may have the potential to generate fill (waste material) and/ or involve the importation of fill for use on-site. Prior to the removal of fill (waste material) from the site, or the importation of fill onto the site, waste classification assessment is to be undertaken in accordance with NSW EPA Waste Classification Guidelines, Part 1: Classifying Waste, 2014, and associated waste classification guidelines, available at <http://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>.
- The proponent must also ensure appropriate management of waste to maximise beneficial re-use and to prevent contamination at all times. Listed wastes, prescribed under Schedule 2 of the Waste Management and Pollution Control (Administration) Regulations 1998, must only be disposed of at

premises that are licensed to accept that waste and be transported by operators who are licensed to transport that waste. The proponent must also consider the following NT EPA fact sheets How to avoid the dangers of accepting illegal fill onto your land, and Illegal Dumping- What You Need To Know (available at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>) .

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 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme 2020 (NTPS2020/the Scheme).

Under clause 1.8.1(c)(ii) of the Northern Territory Planning Scheme 2020 (NTPS2020/the Scheme), the use and development of land requires consent and is Impact Assessable when it is for the subdivision of land other than that included at clause 1.8(1)(b)(iii).

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

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

The proposed subdivision was assessed as accordant with the Alice Springs Regional Land Use Plan 2016 and the Central Alice Springs Area Plan, respectively, which are applicable strategic plans.

The land is located within land subject to flooding (1% AEP defined flood area) and any post subdivision development will need to be designed and constructed in accordance with the requirements of clause 3.6 (Land Subject to Flooding) of the Scheme.

Part 6 of the NT Planning Scheme 2020 does not include any requirements for the subdivision of land in Zone TC (Tourist Commercial) and the proposed lots are both assessed as having sufficient size and dimensions to accommodate a range of land use and development types that are permissible in the Zone and under the Central Alice Springs Area Plan.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application the consent authority must take into account any submissions made under section 49, and any evidence or information received

under section 50, in relation to the development application. Two (2) public submissions were received, however, neither raised any planning issues and the submitters did not attend the public hearing. No local authority submissions were received under section 49 of the *Planning Act 1999* with respect to the proposal.

3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the merits of the proposed subdivision as demonstrated in the application. The application submitted that the proposed subdivision had the following merits:
 - (a) It will make a serviced, vacant site available to the market. The lot has a number of positive features including an inner-urban location, 2 street frontages, and a prominent position opposite a public park.
 - (b) The proposed subdivision may be expected to benefit the community by adding a centrally located, serviced, TC zoned lot to the market.
4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services that apply to the proposed development.
5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed subdivision is not expected to have any adverse impact on the existing or future amenity of the area or adjacent properties.
6. Pursuant to section 51(1)(q) of the *Planning Act 1999*, in considering a development application the consent authority must take into account for a proposed subdivision of land on which a building is, or will be, situated – whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building).

The subdivision application included a statement from a registered building certifier advising that:

- a) Their assessment of the drawings confirms the separation of buildings associated with the proposed Lots 1 and 2 will be in accordance with the National Construction Code requirements, particularly NCC Parts C1 'Fire Resistance and Separation' and C3 'Protection of Openings'.
 - b) The above statement is conditional based upon the demolition of existing buildings identified on sheet S01.
 - c) Upon demolition of the existing structures mentioned above and completion of the new premises, it was their opinion that no building on site would cease to comply with the *Building Act 1993* if the proposed subdivision were to proceed.
7. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The application identified and recognised the need to protect

an existing sacred tree to the front of the site. The Aboriginal Areas Protection Authority (AAPA) has advised to the effect that:

- A large Eucalyptus camaldulensis (River Red Gum) (5650-108F) on the Todd Street frontage is protected under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) (*Sacred Sites Act*). The presence of a sacred site tree of cultural significance provides an element of historical and cultural depth to the site. By positively integrating the tree into its new facility, Central Australian Aboriginal Congress can signal its care for the tree and its respect for the history and culture it embodies.
- There is an existing authority certificate relating to the tree, but will not provide indemnity against prosecution in relation to damage to the tree.
- A new certificate is required to be obtained to provide indemnity against prosecution for damage to the tree and is recommended.

An advisory note regarding the need to obtain an AAPA certificate is included on the development permit to assist in ensuring awareness of the need to protect the tree.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

**RESOLVED
0077/21**

That, the Development Consent Authority varies clause 4.13.1 (Zone Outcome 1 for Zone TC (Tourist Commercial)) and the requirements of clause 5.2.4.1 (Parking Requirements), clause 5.2.4.4 (Parking Layout) and clause 5.2.5 (Loading Bays) of the Northern Territory Planning Scheme 2020 and under clause 5.2.4.2 (Reduction in Parking Requirements Outside of Zone CB in Darwin), reduces the number of parking spaces required to be provided, from 95 to 73, and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop and use of part of Lot 9914 (127) Todd Street, Town of Alice Springs for the purpose of office, medical clinic (4 consulting rooms and an activity centre for persons with a disability) and child care centre (pre-school preparedness program) in a 3 storey building and 2 existing buildings, 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, a stormwater management plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

The Stormwater Management Plan that will be provided to Council must be certified through an appropriately qualified Civil Engineer, demonstrating that the system has sufficient capacity to function properly in a minor flood event such as a Q5 (20 percent annual exceedence probability) event. Also, this plan must consider a Q100 (1 percent annual exceedence probability (1% AEP)) event to ascertain that the additional run-off will have minimal or no effect on the 300mm maximum freeboard, in a Q100 (1% AEP) occurrence. For any storm water discharge to the existing underground network, upgrades to the infrastructure

being connected to, may be required based on discharge volumes from the impervious areas created as a result of the addition and/ or alteration.

2. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a Traffic Impact Assessment Report is to be prepared by a suitably qualified traffic engineer to the standards and requirements of the Alice Springs Town Council, to the satisfaction of the consent authority. The report is to include design solutions showing ingress and egress of two-way traffic including anticipated traffic volumes during peak hour. Due design consideration must be given to the implications of and for vehicular traffic on South Terrace/Leichhardt Terrace. Design that will result in queuing of vehicles on South Terrace/Leichhardt Terrace is not permissible.
3. Prior to the endorsement of plans and prior to commencement of works (including site preparation) amended plans must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited but amended to include:
 - a) A revised parking layout for the child care centre, designed to allow vehicles to move safely and conveniently manoeuvre on the site and access and egress the site in a forward gear and:
 - (i) including a 6m wide (minimum) crossover;
 - (ii) including a reversing area to the southern side of the child care centre building; and
 - (iii) providing sight lines adjacent to the site access.
 - b) Details of extent of fill and proposed finished site levels (referenced to the Australian Height Datum) with the extent of fill to the northern and eastern sides of the new building being limited as much as is reasonably practicable while allowing for:
 - (i) Low retaining structures to the eastern side of the site generally as shown in the plans submitted with the application; and
 - (ii) Some benched and / or graded transition from the floor and courtyards of the proposed building to the surrounding ground levels and provision of personal access ramps.
 - c) Details of all fencing, landscaping and external lighting for the site (including the child care centre and NDIS activity centre), responding positively to the Community Safety Design Guide and other relevant requirements of NTPS2020. Landscaping and fencing must allow clear sight lines adjacent to all vehicle accesses to the site and should support passive surveillance to and from the site.
 - d) Any security boom, barrier or similar device controlling vehicular access to the premises from South Terrace/Leichhardt Terrace must be setback a minimum of six metres from the street boundary to allow vehicles to stand clear of the road reserve.
 - e) A minimum of 8 bicycle parking spaces, suitable lighting to the bicycle parking area and 8 lockers (each locker with suitable volume and dimensions to allow safe and convenient storage of clothing, cycling helmets and other personal item).

The consent authority recommends the consideration of:

- Constructed measures (e.g. open type fencing or similar) to protect planting adjacent to the Todd Street frontage from pedestrian traffic and vehicles; and
- Pedestrian access links between the site and South Terrace/Leichhardt Terrace, subject to the agreement of the Alice Springs Town Council; and

- Re-use of sandstone from the existing building on Lot 9914 as part of the development.

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

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
5. Confirmation is required from a suitably qualified person (e.g. a registered Land Surveyor or Civil Engineer) that as-constructed site levels and floor levels for the new building reflect the endorsed drawings. This condition is to the satisfaction of the consent authority on the advice of the Alice Springs Town Council.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
7. 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.
8. Engineering design and specifications for the affected roads and stormwater drainage, site earthworks and vehicular access are to be to the technical requirements of Alice Springs Town Council, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
9. Stormwater is to be collected and retained on the site or discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
10. 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, to the satisfaction of the consent authority.
11. The owner shall remove disused vehicle crossovers and undertake reinstatement works all to the technical requirements of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
12. All proposed works impacting on Todd Street and Leichhardt Terrace, respectively, are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Alice Springs Town Council. Drawings must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
13. All works recommended by the traffic impact assessment are to be completed to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.

14. 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.
15. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Rescue Services.
16. Before the use or occupation of the development starts, the area(s) 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
17. No entry/no exit signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.
18. Before the use/occupation of the new office and medical clinic building starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
19. 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.
20. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
21. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website (www.austieca.com.au) and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) Procedures (available at <https://nt.gov.au/environment/soil-land-vegetation>). For further advice, contact the Development Coordination Branch on (08) 8999 4446.
22. All air conditioning units (including any units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and

condensate disposed of to ground level in a controlled manner, to the satisfaction of the consent authority.

23. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
24. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.
25. The number of children attending the child care facility (pre-school preparedness program) is limited to a maximum of 20 at any time, unless with the further consent of the consent authority.

NOTES:

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.
2. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
3. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.
5. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves.
7. For the purposes of best practice land management and environmental protection, it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) Procedures, available at <https://depws.nt.gov.au/rangelands/technical-notes-and-fact-sheets/land-management-technical-notes-and-fact-sheets>. The ESCP should be

prepared prior to commencement of works and implemented during the construction phase (including clearing and early works). All disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Development Coordination Branch on (08) 8999 4446.

There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act) that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under section 12 of the Act. There is also requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act.

Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority (NT EPA) website at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>.

The Act, administered by the NT EPA, is separate to and not reduced or affected in any way by other legislation administered by other departments or authorities. The NT EPA may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

Some environmental issues that must be considered to satisfy the environmental duty during the construction phase, are as follows:

- The proponent must ensure that nuisance dust and/or nuisance airborne particles are not discharged or emitted beyond the boundaries of the premises.
- The proponent is to ensure that the noise levels from the proposed premises comply with the latest version of the Northern Territory Noise Management Framework Guideline available at https://ntepa.nt.gov.au/data/assets/pdf/file/0004/566356/noise_management_framework_guide_line.pdf.
- The proponent must ensure that soil erosion control measures are employed in accordance with NT EPA publications Guidelines to Prevent Pollution from Building Sites and Keeping Our Stormwater Clean, available at https://ntepa.nt.gov.au/data/assets/pdf/file/0010/284680/guideline_prevent_pollution_building_sites.pdf and https://ntepa.nt.gov.au/data/assets/pdf/file/0006/284676/guideline_keeping_stormwater_clean_builders_guide.pdf.
- The proponent must ensure that there is no discharge of contaminated water from the premises into either the groundwater or any surface waters.
- The proposed activities may have the potential to generate fill (waste material) and/ or involve the importation of fill for use on-site. Prior to the removal of fill (waste material) from the site, or the importation of fill onto the site, waste classification assessment is to be undertaken in accordance with NSW EPA Waste Classification Guidelines, Part 1: Classifying Waste, 2014, and associated waste classification guidelines, available at <http://www.epa.nsw.gov.au/your-environment/waste/classifying-waste/waste-classification-guidelines>.
- The proponent must also ensure appropriate management of waste to maximise beneficial re-use and to prevent contamination at all times. Listed wastes, prescribed under Schedule 2 of the Waste Management and Pollution Control (Administration) Regulations 1998, must only be disposed of at premises that are licensed to accept that waste and be transported by operators who are licensed to transport that waste. The proponent must also consider the following NT EPA fact sheets How to avoid the dangers of accepting illegal fill onto your land, and Illegal Dumping- What You Need To

Know (available at <https://ntepa.nt.gov.au/publications-and-advice/environmental-management>).

8. Notwithstanding the approved plans, all signage is subject to the Alice Springs Town Council approval, at no cost to Council.
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 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme 2020 (NTPS2020/the Scheme).

Under clause 1.8.1(c)(i) of the Scheme, use and development that is shown as Impact Assessable on the relevant assessment table in Part 4 requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

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

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

Relevant Strategic Plans include:

- The Alice Springs Regional Land Use Plan 2016 (ASRLUP) ; and
- The Central Alice Springs Area Plan (CASAP).

The site is located within an area broadly designated in the ASRLUP for Tourist use. The Central Alice Springs Area Plan provides detailed guidance in relation to the locality and responds to the local character, needs and aspirations of the community. The development and use area assessed as aligning with relevant objectives of the CASAP.

Relevant requirements of Part 3 of the Scheme include clause 3.6 (Land Subject to Flooding). The site directly abuts, but is located outside of the floodway. The proposed restriction of the footprint of the fill area will limit displacement of floodwaters and the building design and location with substantial setbacks to all boundaries is expected to minimise the potential for any adverse impact on any other property. The proposed development is expected to reasonably minimise the risk of flooding to people, damage to property and costs to the general community and is not expected to frustrate the purpose of clause 3.6, subject to

suitable refinement of the design to include detailed site levels designed to minimise the footprint of the fill area and appropriately manage stormwater.

Relevant requirements of Part 4 and Part 5 of the Scheme include:

- Clause 4.13 (Zone TC – Tourist Commercial) - zone purpose and outcomes
- Clause 5.2.2 (Building Heights in Alice Springs)
- Clause 5.2.4 (Vehicle Parking)
- Clause 5.2.5 Loading Bays
- Clause 5.2.6 (Landscaping)
- Clause 5.5.2 (Plot Ratios in Commercial Zones)
- Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)
- Clause 5.5.7 (Child Care Centre)

These clauses have been considered in the context of section 51(3) of the *Planning Act 1999* and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 with the exception of:

- Clause 4.13.1 (Zone Outcome 1 for Zone TC)
- Clause 5.2.4.1 (Parking Requirements)
- Clause 5.2.4.4 (Parking Layouts)
- Clause 5.2.5 (Loading Bays)

The proposed development and use do not align with the outcome for clause 4.13.1, however, under clause 2.2.3(c)(iv)(1) of the Scheme, Area Plans provide, in some circumstances, guidance for variation from a zone purpose and/or outcome in Part 4 to account for the local context set out in the Area Plan. The site is located within Focus Area C (Commercial/Mixed Use, Medical and Health Services) and is also within an area identified as having potential for zoning change. Objective 15.1 of CASAP is to “*Maximise the synergy of established medical facilities by encouraging the co-location of health and medical related services*”. It is envisaged that the proposed development and use will strongly complement the primarily medical and health related focus of the precinct and support Objective 15.1 of CASAP. The application proposes the orderly and considered redevelopment of the site for uses that accord with the Area Plan. It is considered that the CASAP supports the proposed development and uses and justifies a variation in relation to Zone Outcome 1.

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

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

Under clause 5.2.4.2 (Reduction in Parking Requirements Outside of Zone CB in Darwin) of the Scheme, the consent authority may consent to a use or development with fewer car parking spaces than required by Column 2 of the table to Clause 5.2.4.1 (Parking Requirements) of the NT Planning Scheme 2020 if it is satisfied that a reduction is appropriate for the use or development having considered all the matters at sub-clause 2 of clause 5.4.4.2.

The consent authority:

- Considering those matters, noted reasons for a reduced car parking provision as detailed in the development application, and that:

- There is a 72 space public car park on the western side of Todd Street directly opposite the site;
- The parking area was originally used as the primary car park for the Memorial Club which was located on Lot 9914;
- Since the closure of the Memorial Club, the parking area appears to have been used primarily in association with various medical/hospital related uses;
- It envisaged that once the proposed hospital car park (currently under construction) is completed, the demand for use of the parking area in association with hospital related uses will be reduced;
- There are other on street parking spaces in the immediate locality;
- The site is located within convenient walking distance of numerous bus stops and the area is well serviced by public transport;
- The proposed development includes 7 bicycle parking spaces and end-of-trip facilities for walkers and cyclists;
- Concluded that the proposed on-site parking was likely to be adequate to service the proposed development and use of the site and that a reduced parking requirement was unlikely to frustrate the purpose or objectives of clause 5.4.4.1 (Parking Requirements) or clause 4.10 (Zone CB (Central Business) of the Scheme; and
- Determined that to reduce the number of parking spaces required to be provided, from 95 to 73.

The consent authority granted a variation to sub-clause (g) of clause 5.2.4.4 (Parking Layouts) to allow reduced setbacks of 5 parking spaces to the Todd Street boundary (0.6m to 2.5m setbacks instead of 3m minimum setback as:

- The landscape area between the front boundary and the front parking spaces includes stepped setbacks (0.6m to 2.5m wide planted setback).
- Proposed planting within the setbacks includes a mix of trees and small shrubs.
- The subject parking area includes only 5 parking spaces.
- The application identifies that the 5 bays will be allocated to visitors to the site, and envisages some benefit in the spaces being visible from the street.
- The 5 parking bays are not expected to have any undue impact on the streetscape
- While not compliant with the 3m setback requirement, the proposed landscaping and setbacks to the parking are expected to meet the objective of sub-clause 5.2.4.4(g), which is to lessen the visual impact of the car parking area.
- It considered the variation to be appropriate having regard to the purpose and administration clauses for clause 5.2.4.4, and did not expect the parking area to unreasonably impact on the amenity of the surrounding locality.

The consent authority granted a variation to clause 5.2.5 (Loading Bays) to allow 1 loading bay instead of a minimum of 2 bays, as:

- The calculated requirement was for 1.24 loading bays and the requirement for 2 instead of 1 was on the basis of rounding up.
- The proposed provision of 1 loading bay was expected to adequately service the proposed development, was consistent with the purpose of clause 5.2.5; and
- The reduced loading bay provision was not expected to frustrate the zone purpose or any zone outcome.

Conditions of approval include requirements for revision to aspects of the design to address matters identified variously by the applicant, service authorities and the consent authority as requiring further attention/refinement.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. Two (2) public submissions were received, however, neither raised any planning issues and the submitters did not attend the public hearing. No local authority submissions were received under section 49 of the *Planning Act 1999* with respect to the proposal.
3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the merits of the proposed development as demonstrated in the application. The application submitted that the proposed development had the following merits:
 - a) It is in accordance with and reinforces the intention of the TC Zone, particularly in relation to the Alice Springs Central Area Plan.
 - b) It will provide health services to Congress' Indigenous clientele in a purpose-built facility that projects a positive identity of Indigenous people to the town and community.
 - c) It will continue Congress Preschool Readiness Program, which currently operates on the site, and is intended as a positive introduction to an education pathway for Indigenous children.
 - d) It will renew a site that currently has facilities shown to be beyond economic repair.
 - e) It will preserve a mature tree of cultural significance, and enhance its presence in the streetscape.
 - f) Congress is pursuing a high-performing environmentally sustainable facility, with sustainable initiatives to be evaluated against Capex and Opex as the design progresses to further detail.
 - g) A substantial building project that will contribute to economic activity in central Australia.
 - h) It will make a serviced, vacant site available to the market. The lot has a number of positive features including an inner-urban location, 2 street frontages, and a prominent position opposite a public park.The proposed development may be expected to substantially benefit the community by supporting the provision of valuable services to the community in an architecturally designed and purpose built facility, and accompanied by adaptive reuse of some existing buildings.
4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The consent authority noted the Alice Springs Town Council's representation at the hearing emphasised the need for suitably engineered design in relation to all accesses to the site and associated works within the road reserves. The advisory notes and conditions of approval are intended to assist in ensuring the orderly development and servicing of the development and that service authority interests including with respect to works within and affecting the road reserves, stormwater drainage and electricity, sewerage and water services that apply to the proposed development.
5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the

potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is expected to substantially enhance the amenity of the site and is not expected to have any adverse impact the existing or future amenity of the area or adjacent properties.

6. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account the public interest. The application included an appraisal against the Community Safety Design Guide checklist and the design reflected thorough consideration of relevant matters under the guide. Permit conditions requiring details of all external lighting, fencing and landscaping responding positively to CSDG objectives are included to ensure that details identified in the statement of effect are translated to the plans to be endorsed. The design reflects careful consideration of accessibility for persons with a disability. Designated disabled car parking spaces are provided in the undercover car parking area and a lift will be installed to the building. Conditions of approval may be expected to assist in ensuring that further refinement of the plans access for persons with a disability.
7. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The application identified and recognised the need to protect an existing sacred tree to the front of the site.
 - a) The Aboriginal Areas Protection Authority (AAPA) has advised to the effect that:
 - a large *Eucalyptus camaldulensis* (River Red Gum) (5650-108F) on the Todd Street frontage is protected under the *Northern Territory Aboriginal Sacred Sites Act 1989* (NT) (*Sacred Sites Act*). The presence of a sacred site tree of cultural significance provides an element of historical and cultural depth to the site. By positively integrating the tree into its new facility, Central Australian Aboriginal Congress can signal its care for the tree and its respect for the history and culture it embodies.
 - There is an existing authority certificate relating to the tree, but will not provide indemnity against prosecution in relation to damage to the tree.
 - A new certificate is required to be obtained to provide indemnity against prosecution for damage to the tree and is recommended.
An advisory note regarding the need to obtain an AAPA certificate is included on the development permit.
 - b) Lot 4579 (Alice Springs Hospital site) diagonally opposite the site includes declared heritage places. The Heritage Branch of the Department of Territory Families, Housing and Communities has advised that it has no objections to the proposal as submitted.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 3
PA2021/0371

CHILD CARE CENTRE IN SINGLE STOREY BUILDING (INCLUDING ALTERATIONS AND ADDITIONS TO BUILDING AND UPGRADING OF CAR PARKING AND LANDSCAPING

LOT 10742 (52) PALM CIRCUIT, SUBURB OF ROSS

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

Stephen Baloban (representing the Alice Springs Town Council) spoke to the application.

**RESOLVED
0078/21**

That the Development Consent Authority varies clause 5.2.4.4 (Parking Layout) of the Northern Territory Planning Scheme 2020 and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop and use Lot 10742 (52) Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a child care centre in an existing single storey building (including alterations and additions to building and upgrading of car parking and landscaping), 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, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council's stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation) amended plans must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans publicly exhibited but amended to include:
 - a) A revised parking layout for the child care centre, designed so that all parts of the driveway are either within Lot 10742 or within the right-of-way easement on Lot 10741; and may include a variation to the 6m minimum width dimension under clause 5.2.4.4(i), if it impracticable to comply, provided that the amended design allows functional access to and from the car parking area and each parking space.
 - b) No encroachment of walkway into the right-of-way easement on Lot 10742 and in favour of Lot 10741.
 - c) Inclusion of a bollard or equivalent separating the walkway from the easement.
 - d) Provision on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view.
 - e) Details of all external lighting, responding positively to the objectives of the Community Safety Design Guide (as amended from time to time) produced by the Department of Lands and Planning.

The consent authority encourages the proponent to consider the Alice Springs Town Council's invitation in relation to verge landscaping.

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

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
5. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
6. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
7. Stormwater is to be collected and retained on the site or discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
8. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. The owner shall remove disused vehicle crossovers and undertake reinstatement works all to the technical requirements of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
10. All proposed works impacting on Palm Circuit are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of Alice Springs Town Council. Drawings must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
11. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.

12. Before the use or occupation of the development starts, the area(s) 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
13. Before the use/occupation of the child care centre 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. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
16. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website (www.austieca.com.au) and the Department of Environment, Parks and Water Security Erosion and Sediment Control Plan (ESCP) Procedures (available at <https://nt.gov.au/environment/soil-land-vegetation>) For further advice, contact the Development Coordination Branch on (08) 8999 4446.
17. All air conditioning units (including any units required to be added or replaced in the future) are to be appropriately screened from the road and adjacent residential zoned lots, 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.
18. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

NOTES:

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the *Building Act 1993*.

2. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Northern Territory *Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
4. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves.
5. Notwithstanding the approved plans, all signage is subject to the Alice Springs Town Council approval, at no cost to Council.
6. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.
7. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

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

Under clause 1.8.1(c)(i) of the Scheme, use and development that is shown as Impact Assessable on the relevant assessment table in Part 4 requires the exercise of discretion by the consent authority to determine if it is appropriate given the location of the site and the potential impacts on surrounding uses, and if it accords with the Strategic Framework.

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

- a) the relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- b) any Overlays and associated requirements in Part 3 that apply to the land;

- c) the guidance provided by the relevant zone purpose and outcomes in Part 4; and
- d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The Alice Springs Regional Land Use Plan 2016 (ASRLUP) is the only relevant strategic plan. The site is located within an area broadly designated in the ASRLUP for Tourist use.

ASRLUP, in relation to Community Facilities, notes/identifies that:

- Alice Springs provides facilities and services to the wider region, particularly in the health sector, and has an important role in supporting remote communities. Future population growth will ultimately require the upgrade of a range of facilities, or the provision of new facilities including health services, child care centres, educational establishments and sport and recreation facilities.
- In particular, appropriate levels of community facilities and services will be required to address population growth south of Heavitree Gap.

The consent authority;

- noted that:
 - there are currently no child care centres south of Heavitree Gap; and
 - the site abuts a new low density residential subdivision containing 32 'Dwelling-Single' lots and 2 x 'Dwelling-Group' lots; and a relatively new dwelling group development (former Heavitree Motel) containing 40 x dwellings; and
- considered the proposed child care centre to generally accord with the ASRLUP; and
- anticipated that the proposed facility would service the population in the immediate locality and other residents south of Heavitree Gap.

Relevant requirements of Part 4 and Part 5 of the Scheme include:

- Clause 4.13 (Zone TC – Tourist Commercial) - zone purpose and outcomes
- Clause 5.2.2 (Building Heights in Alice Springs)
- Clause 5.2.4 (Vehicle Parking)
- Clause 5.2.4 (Parking Layout)
- Clause 5.2.6 (Landscaping)
- Clause 5.5.2 (Plot Ratios in Commercial Zones)
- Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)
- Clause 5.5.7 (Child Care Centre)

These clauses have been considered in the context of section 51(3) of the *Planning Act 1999* and it is found that the proposal complies with the relevant requirements of Part 5 of the NT Planning Scheme 2020 with the exception of clause 5.2.4.4 (Parking Layouts).

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

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

The consent authority granted a variation to sub-clause (i) of clause 5.2.4.4 (Parking Layout) of the Scheme to allow a reduced driveway width for part of a proposed driveway, as:

- the site is constrained by existing built form;
- refinement of the driveway design as required by the development permit is not expected to frustrate the purpose of clause 5.2.4.4 or any objective of the Scheme; and
- the conditions of approval are expected to allow the refinement of the design to provide functional access and egress to the staff parking area without encroaching on the adjoining property.

Conditions of approval include requirements for revision to aspects of the design to address matters identified variously by the applicant, service authorities and the consent authority as requiring further attention/refinement.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the *Planning Act 1999* and the Planning Regulations and no public or local authority submissions were received under section 49 of the Act.
3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the merits of the proposed development as demonstrated in the application. The application submitted that the proposed development had the following merits:
 - a) The development will renew an existing site and building that is currently disused / vacant.
 - b) The development will improve the visual amenity of the site.
 - c) The development provides a community service and located in proximity to existing residential areas south of the gap.
 - d) The development will provide economic activity for the construction sector.
 - e) The development is an 'adaptive re-use' project, which has environmental benefits of minimising waste and significantly reducing the embodied energy of the development.

The child care centre has been designed to incorporate end-of-trip facilities, including shower and bicycle parking facilities and secure storage. While the requirements of clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC) are technically not applicable to the development, as it is not a new building, the design response may be expected to support a good level of amenity and functionality for staff and clients.

The proposed development may be expected to benefit the community by supporting the provision of services to the local community through architecturally designed adaptive reuse of an existing building and substantial upgrades to landscaping and car parking areas.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the

developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services that apply to the proposed development.

5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is expected to substantially enhance the visual amenity of the site and is not expected to have any adverse impact the existing or future amenity of the area or adjacent properties.
6. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account the public interest. The application has been reviewed against the Community Safety Design Guide and generally reflects a considered response. A permit condition is recommended requiring details of all external lighting, responding positively to CSDG objectives. The design provides accessibility for persons with a disability and includes a designated disabled accessible car parking space at the front of the proposed facility and an accessible toilet. No relevant matters with respect to water safety were identified.
7. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The Aboriginal Areas Protection Authority (AAPA) commented on the application:
 - a) noting that there is a sacred site located on the eastern boundary of the subject land and a restricted works area associated with previously issued Authority Certificates C2010/075 and C2009/260 located at the southern end of the subject land; and
 - b) advising the proponent to seek and AAPA certificate. A standard advisory note in relation to the matter is included in the development permit.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

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

SUZANNE PHILIP
Chair
17 December 2021