

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 179 – THURSDAY 16 JANUARY 2014

**DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Peter McQueen (Chairman), David Koch and Steve Brown

APOLOGIES: John McBride and Brendan Heenan

OFFICERS PRESENT: Ben Taylor and Kirra Morgan

COUNCIL REPRESENTATIVE : Steve Baloban

Meeting opened at 9:45 am and closed at 10:25 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 DEVELOPMENT – CHANGE OF USE (PART OF SITE) FROM MOTEL TO MULTIPLE DWELLINGS IN 4 X 2 STOREY BUILDINGS INCLUDING REFURBISHMENT OF BUILDINGS, CONSTRUCTION OF CARPORTS, PRIVATE AND COMMUNAL OPEN SPACE AREAS
LOT 7593, 70 PALM CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE SPRINGS**

Mr Ken Patterson attended the meeting on behalf of the applicant.

Ken tabled amended drawings.

RESOLVED 0005/14 That, the Development Consent Authority varies the requirements of Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres) and Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 7593, 70 Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of change of use (part of site) from motel to 40 x 2 bedroom multiple dwellings in 4 x 2 storey buildings including refurbishment of buildings, construction of carports, private open space, gym building and communal open space areas, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application and those tabled at the 16/01/2014 DCA meeting but modified to show:

SITE PLAN

- (a) Relationship of the site (Lot 1 as approved by Development Permit DP12/0639) to the existing parcel (Lot 7593) and boundary dimensions;
- (b) Vehicle access point/s to the site from Palm Circuit and associated driveway widths;
- (c) waste (garbage) collection point(s) within the site;
- (d) all existing and proposed easements, electricity substations and services (water meter arrangements, fire hydrant boosters);
- (e) details of lighting at Palm Circuit entrance and throughout site including all pathways within common areas, roadways, communal open space etc;
- (f) details of all proposed boundary fencing to the perimeter of the site - Lot 1 as approved by Development Permit DP12/0639 (locations, heights above finished ground levels and building materials);
- (g) Any staging of the development (stage boundaries annotated on a separate site plan);

GYM BUILDING

- (a) Dimensioned floor plan of the gym building showing layout, partitioning, room sizes, uses;

- (b) All elevations of the gym building, showing locations and dimensions of doors and windows and details of external finishes (building materials and colours).
- (c) A cross-section of the gym building showing the apex height of the structure above ground level.

CARPORTS

- (a) Dimensioned floor and elevations of carports (floor plan of typical length and width of carports and elevation/s showing height, roller door, roof pitch). NOTE: car parking bays are to be a minimum of 2.5m (w) x 5.5m (l);

AIR CONDITIONING UNITS

- (a) Positions of air conditioning units and details of screening identified on the floor plans and elevations.

LANDSCAPING & FENCING

- (a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
- (b) details of surface finishes of carports, pathways, communal open space areas, courtyards and rear private open space areas of dwellings;
- (c) landscaping and planting within all open areas of the site (within private open space areas, surrounding the swimming pool and communal open space);
- (d) 1.8m high (above finished ground level) fencing to private open space boundaries between dwellings and to side and rear boundaries of the site that complies with the screening requirements specified in Clause 7.5(3) of the NT Planning Scheme. Plants must be selected with a view to achieving the privacy screening outcomes under Clause 7.5(3)(b) of the NT Planning Scheme;
- (e) Irrigation arrangements to planted areas.

All plant species selected must be to the satisfaction of the consent authority, preferably species native to central Australia and due regard must be given to the landscaping design criteria contained in Clauses 6.12 (landscaping) and 7.7 (landscaping for multiple dwellings, hostels and supporting accommodation) of the NT Planning Scheme.

CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
4. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) in accordance with the manoeuvring and parking bay dimensions contained in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme);
 - (c) properly formed to such levels that they can be used in accordance with the plans;
 - (d) surfaced with an all-weather-seal coat;
 - (e) drained;
 - (f) line marked or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority.

Car spaces and driveways must be kept available for these purposes at all times.

5. "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.
6. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
7. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. 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.
10. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area(s) must be graded and drained and screened from public view to the satisfaction of the consent authority.
11. 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 plan in accordance with the authorities' requirements and relevant legislation at the time.
12. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
13. 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.
14. 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 services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
15. All air conditioning condensers are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
16. Pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on Lot 1 and Lot 2 indicated on the endorsed drawings that form part of Development

Permit DP12/0639. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

17. A Certificate of Compliance (in full) in relation to the multiple dwelling development will not be issued prior to the issue of a separate Title for that part of Lot 7593 that is identified on the endorsed plans (of Development Permit DP12/0639) as Lot 1, recognising that the boundaries of that proposed lot may be altered or adjusted (through the subdivision process) prior to completion of the multiple dwelling development.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from the Department of Land Resource Management.
3. This development permit does not grant "building approval" for the change of use and proposed building works. The Building Code of Australia requires that certain structures within 900mm of a lot boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
6. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work (including construction access) within the Palm Circuit road reserve and Todd River (Lot 8287).
7. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

8. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Land Resource Management.
9. The swimming pool may need to comply with Swimming Pool Safety Act, the developer should contact the Swimming Pool Fencing Unit of the Department of Lands, Planning and the Environment for further information (<http://www.lands.nt.gov.au/building/swimming-pool-fencing>).

REASONS FOR THE DECISION

1. Detailed and dimensioned plans are required to be submitted for endorsement as the plans included with the application (and publicly exhibited) do not accurately show all proposed works associated with the change of use of the site and do not demonstrate compliance with some aspects of the NT Planning Scheme (parking layout dimensions, private open space screening, landscaping).
2. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:
 - Clause 4.3 (Planning Principles – Alice Springs); and
 - Zone TC (Tourist Commercial), the primary purpose of Zone TC is to provide for uses and development servicing tourism, including commercial and residential activities. The change of use of part of the site to multiple dwellings is compatible with other residential uses and short term accommodation developments in the Palm Circuit and Ragonesi Road locality. The architectural style and site layout is of a scale and character that complies with the majority of performance criteria contained in Part 4 of the Scheme and is compatible with other established uses and development nearby.
3. A variation to Clause 7.3.1 (Additional Setback Requirements for Residential Buildings Longer Than 18 metres) of the NT Planning Scheme to allow a rear building setback of 4.5m where 5.16m is required by the Scheme is granted as the building and associated setback distances is existing and will not result in building massing when viewed from adjoining properties. The rear boundary to the site abuts the Heavitree Range.
4. A variation is granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some of the dwellings (as identified in the Technical Assessment) that do not comply with the minimum standard of a 5m x 5m open space 'envelope' and 45m² area requirements. Variations to this provision are supported, as the following circumstances apply to the development:
 - The dimensions of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of the two bedroom dwellings;
 - the private open space areas are accessed from the lounge room and kitchen of each dwelling and enables an extension of the function of the dwelling;
 - the footprints of the existing buildings and widths of the motel rooms constrain the ability for 5m x 5m symmetrical dimensions to be achieved for

- all dwellings;
 - subject to the receipt of detailed drawings, all private open space areas will be screened in accordance with Clause 7.5(3) of the NT Planning Scheme;
 - the change of use of the site to multiple dwellings will incorporate communal open space facilities (gym, swimming pool, lawn area);
 - private open space for the majority of proposed dwellings exceeds the 45m² minimum area requirement.
5. Pursuant to section 51(j) of the *Planning Act*, the consent authority is required to consider 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 change of use to multiple dwellings. The site and floor layouts, private open space provision and other aspects of the design comply with the majority of performance criteria contained in Part 4 of the NT Planning Scheme relevant to multiple dwelling use.
 6. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and easements may be required. These locations will need to be resolved prior to works commencing and the conditions of approval are intended to ensure service authority interests are duly recognised.
 7. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. The dwelling density and design has been determined by the topography of the land, location of existing buildings and incorporates additional landscaping and upgrading of buildings to improve the visual amenity of the site.
 8. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest. Part of the site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring that future owners / occupants of the multiple dwellings are aware of the flood liability and associated potential hazards and inconveniences.
 9. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.

ACTION:

Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – SUPPORTING ACCOMMODATION (PALLIATIVE / RESPITE CARE)
LOT 4474, 52 SPICER CRESCENT, SUBURB OF ARALUEN, TOWN OF ALICE
SPRINGS
STEVE ADLER**

Mr Matthew Bell (Scope Building NT on behalf of the applicant) and Ms Amanda Jobson (submitter) attended the meeting.

**RESOLVED
0006/14**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout), Clause 7.3 (Building Setbacks of Residential Buildings) and Clause 7.5 (Private Open Space) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 4474 (52) Spicer Crescent, Suburb of Araluen, Town of Alice Springs for the purpose of supporting accommodation (palliative care/respice facility) in a single storey building, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit must be in accordance with the drawings endorsed as forming part of this permit, to the satisfaction of the consent authority. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. The driveway and car parking area must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) paved or surfaced with an all-weather-seal coat;
 - (d) line-marked (or otherwise suitably delineated to identify car parking spaces);
and
 - (e) drained;to the satisfaction of the consent authority.
Car spaces and driveway areas must be kept available for these purposes at all times.
3. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserve.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the NT Planning Scheme (the Planning Scheme). The development is considered to be consistent with the purpose statement of Zone SD (Single Dwelling Residential).
2. A variation to Clause 6.5.3.3(e) of the NT Planning Scheme is supported, as the parking area is functional and is expected to reasonably service the proposed use.
3. Variations to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme are supported, as:
 - (a) the reduced setback to the north-western side boundary applies to a limited part of the existing building only; and
 - (b) the reduced setback to the south-eastern boundary for the existing carport relates to a limited part of the structure only;
 - (c) the building and carport are partially screened from the street by existing planting; and
 - (d) the reduced setbacks are not considered or expected to result in any adverse impact on the streetscape or the amenity of any adjoining property.
4. Variations to Clause 7.5.3 (Screening of Private Open Space) of the NT Planning Scheme are supported, as existing fencing and planting is expected to ensure a satisfactory level of privacy and amenity for residents of adjoining properties and clients of the supporting accommodation facility.
5. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the *Act* and any evidence or information received under section 50 of the *Act*. One public submission was received in relation to the application and has been duly considered by the consent authority. No submissions were received from the Alice Springs Town Council in its capacity as local authority.
6. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The consent authority considers the proposed development to have merit, in that the facility will provide supported daytime accommodation in a residential setting for residents of Alice Springs requiring palliative care. The supporting accommodation is expected to allow regular carers of the clients some rest from caring duties.
7. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The development and use is not expected to unduly impact on the amenity of adjoining properties or the locality.
8. The conditions of approval are expected to assist in reasonably ensuring:
 - a) the orderly development of the site;
 - b) due recognition of service authority interests;
 - c) a satisfactory level of amenity for future occupants of the supporting

- accommodation; and
d) no material impact on the amenity of adjoining properties or the locality.

ACTION: Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT – CARPORT ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED SIDE SETBACK
LOT 3221, 19 FLYNN DRIVE, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS
STEVE SHAW**

Steve and Melanie Shaw (applicants/land owner) and Justin Brierty (submitter) attended the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 3221, 19 Flynn Drive, Suburb of Gillen, Town of Alice Springs for the purpose of a carport addition to an existing single dwelling with reduced side setback, subject to the following conditions:
0007/14

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The Environment Protection Authority of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites. 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.
3. 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 FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is considered to be consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.

A variation is granted to the side (west) building setback requirements contained in Clause 7.3 (Building Setbacks of Residential Buildings) of the Northern Territory Planning Scheme as:

- Due to the footprint of the existing single dwelling, the front of the site is unconstrained and considered the most suitable location for development of the carport;
 - The carport will shelter part of the existing concrete driveway area on the site;
 - due to the location of the existing garage/carport (under the main roof of the single dwelling), constructing a carport that complies with the required side setback would result in access to the existing carport/garage being blocked;
 - The proposal is generally consistent with all other relevant objectives and provisions of the NT Planning Scheme;
 - The carport in its proposed location is compatible with the building line of the single dwelling on the site and the built form of the streetscape and surrounding development;
 - No adverse effects of building massing are anticipated as the structure will partially abut an existing carport on the adjacent site (Lot 3220), will be open (no wall) to both sides and complies with front setback requirements;
 - The height, roof pitch, building materials and colours of the proposed structure are compatible with the design of the single dwelling on the site;
- In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

2. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal is expected to offer occupants an improved level of residential amenity, by providing weather protection for vehicles. With the exception of the side building setback distance, the proposed development complies with all other performance criteria contained in the NT Planning Scheme.
3. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is not expected to unduly impact on the amenity of the adjoining streetscape, nor to have any

material impact on the amenity of adjoining Lot 3220, 21 Flynn Drive in terms of building massing or overlooking,

4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application, the consent authority is required to take into account any submissions made under section 49 of the *Act* and any evidence or information received under section 50 of the *Act*. One public submission was received in response to the application. The matters raised in the submission have been noted by the consent authority.

ACTION: Notice of Consent and Development Permit

**ITEM 4 DEVELOPMENT – CHANGE OF USE FROM SHOP TO MEDICAL CLINIC (DENTIST)
LOT 105, 70 TODD STREET, TOWN OF ALICE SPRINGS
PAUL HINKLY**

Doug Fraser and Colleen Byrnes (from LJ Hooker Alice Springs) attended the meeting on behalf of the applicant.

**RESOLVED
0008/14**

That, the Development Consent Authority varies the requirements of Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, pursuant to section 53(a) of the *Planning Act*; consents to the application to develop Lot 105 (70) Todd Street, Town of Alice Springs for the purpose of change of use (part of site) to a medical clinic (dental), and pursuant to section 70(3) of the *Planning Act*, determines that no car parking spaces need be provided for the development, 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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities in accordance with the authorities' requirements and relevant legislation at the time.

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. Notwithstanding the approved plans:
 - a) all signage is subject to Alice Springs Town Council approval, at no cost to Council;
 - b) A Permit to Work Within a Road Reserve may be required from Alice Springs Town Council before commencement of any work within the road reserve(s);
 - c) the demonstrated awning in the Alice Springs Town Council's road reserve is subject to Council approval at no cost to Council.

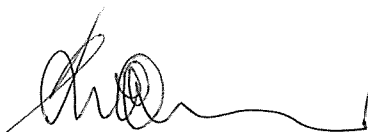
REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme (the Planning Scheme) which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. The Development Consent Authority:
 - (a) recognising that a development permit is taken to have been issued under section 45 of the *Planning Act* for the existing use of the building on Lot 105 for shop and restaurant purposes with no on site car parking spaces; and
 - (b) noting that:
 - i. an additional requirement of nine parking spaces has been calculated with reference to clause 6.5.1 (Parking Requirements) of the Planning Scheme;
 - ii. under section 70(3) of the *Planning Act*, it may determine as a condition of the development permit, that a different number of car parking spaces (to that calculated under clause 6.5.1 of the Planning Scheme) may be provided or, that no car parking spaces need to be provided, but (under section 70(4) of the *Act*, must not do so unless:
 - it has considered all the circumstances of the particular case; and
 - it is satisfied the intent of the Planning Scheme will still be fulfilled;
 - iii. clause 6.5.2 of the Planning Scheme allows the approval of a development with fewer car parking spaces than required by clause 6.5.1 of the Scheme, if the consent authority is satisfied that a reduction is appropriate, having considered matters listed at clause 6.5.2 (a) to (d) inclusive;
 - iv. the land is located within a Car Parking Contribution Plan Policy Area;
 - v. there is street parking in Gregory Terrace and Todd Street within close proximity to the site;
 - vi. there are public car parking areas in close proximity to the site, including:
 - to the northern side of Gregory Terrace;
 - to the southern side of the Alice Springs Town Council offices ; and
 - to the eastern side of Leichhardt Terrace;
 respectively;

- vii. the site is located within 350m of the main bus stop within the central business area and approximately 50 metres from a taxi rank; and
 - viii. there is no capacity to provide additional on-site parking; and
- (c) has determined that no car parking spaces need be provided for the proposed change of use of part of the site to medical clinic (a variation of 9 car parking spaces to Clause 6.5.1 of the NT Planning Scheme is supported having considered the matters under Clause 6.5.2 of the Scheme as well as matters contained within section 51 of the *Planning Act*).
3. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority is required to take into account the public interest. The proposed development is considered to be in the public interest as it will establish an additional medical clinic (dental) in a conveniently accessible location.
 4. The conditions of approval are intended to recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.
 5. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: Notice of Consent and Development Permit

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



PETER McQUEEN
Chairman

24/11 / 2014