



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 247 – WEDNESDAY 11 SEPTEMBER 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Deepika Mathur (not present for the deliberation of Item 1), Jamie de Brenni, Marli Banks

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:20 am and closed at 12:35pm

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 ALTERATIONS AND ADDITIONS TO OFFICES
PA2019/0281 LOT 431, 1 BAGOT STREET, SUBURB OF THE GAP
APPLICANT SDARC PTY LTD

Deepika Mathur, a member of the Development Consent Authority declared an interest pursuant to section 97 of the *Planning Act 1999*, and absented herself from the meeting for the deliberation of this item.

Miriam Wallace (SDARC Pty Ltd) and Simon Murphy (MacDonnell Regional Council) attended the meeting and spoke further to the application.

Miriam Wallace tabled a document regarding the proposed lay-by for parking/drop off on Bagot St.

Dilip Nellikat attended on behalf of the Alice Springs Town Council.

RESOLVED That, the Development Consent Authority varies the requirements of Clause 6.5.1
0091/19 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading
Bays) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of
the *Planning Act 1999*, consent to the application to develop Lot 431 (1) Bagot Street,
Town of Alice Springs, for the purpose of alterations and additions to offices, subject
to the following conditions and for the following reasons:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Any proposed work (including the provision or connection of services) within, or impacting upon the road reserves (Gap Road / Bagot Street / South Terrace) 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".
3. 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.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the

driveway and the public street. This condition is to the satisfaction of the consent authority on technical advice from 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 services to the development shown on the endorsed drawings, in accordance with the authorities' requirements and relevant legislation at the time, to the satisfaction of the consent authority.
7. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created
8. 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. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors/ clients.
11. 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.
12. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
13. All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
14. 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 Emergency Services.

NOTES:

1. This development permit does not grant "building approval" for the proposed works and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

2. The 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. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
4. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
5. Notwithstanding the approved plans, all signage is subject to 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 (waterdevelopmentsouth@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. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection 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
8. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act, 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
9. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
10. 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(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The proposed alterations and additions to offices, as approved, is considered appropriate to Zone TC (Tourist Commercial) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.

2. An assessment against Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme identifies that the proposed development and use has a requirement for 35 car parking spaces. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is considered suitable as:
 - a) The existing office development is consistent with the range of uses allowed for in Zone TC;
 - b) The additional storey is to create more space for existing employees and the application advises there will not be an increase in staff numbers;
 - c) There is limited scope for additional parking to be provided on-site;
 - d) Bicycle parking is available on the site for 16 or more bikes;
 - e) The site is in relatively easy walking distance from the CBD;
 - f) Substantial on-street car parking is available in the vicinity on both South Terrace and Gap Road;
 - g) A proposed vehicle lay-in on Bagot Street will provide for pick-up/ drop-off and short duration parking; and
 - h) Bagot Street and Gap Road are both located on a public bus route (opposite the Alice Springs Hospital).

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

3. An assessment against Clause 6.6 (Loading Bay) of the NT Planning Scheme identifies that the proposed use has a requirement for 1 loading bay.

A variation to waive the requirement for a Loading Bay is supported as:

- Both Regional Councils have off-site Depots for the storage and delivery of larger items; and
- Any deliveries to the offices are infrequent, and wherein the existing car parking area (not for public use) could be utilised for short duration pick-up/drop-offs.

4. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act.

No public or local authority submissions were received under section 49 of the Act.

5. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take

into account the merits of the proposed development as demonstrated in the application. The application identified merits including:

- Building 1 will have a new easily identifiable entrance and street address;
 - Building compliance will be improved through the upgrade of fire egress as well as upgrade of disability access issues of the existing buildings for staff and visitors;
 - The streetscape will be visually improved by the new entrance/façade;
 - Passive surveillance opportunities will be improved by the relocation of entrance from South Terrace to Bagot Street and overlooking the Todd River environs;
 - Pedestrian access on Bagot Street will be extended to ensure safe entrance;
 - Building 2 will undergo fire egress rectification, and an AC upgrade with new units located on the roof (to be screened from public view) to open up areas for staff amenity; and
 - The additional storey does not change the footprint for the existing buildings.
6. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The land is expected to be capable of supporting the proposed development without undue impact on other land.

7. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.

The relevant roads and stormwater drainage authorities have not identified any concerns or requirements and the conditions of approval may be expected to assist in ensuring that these authority requirements are duly addressed.

8. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated.

It is not envisaged that the proposed office additions will adversely impact on the amenity of adjoining properties or the locality.

9. Pursuant to section 51(r) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account any potential impact on natural, social, cultural or heritage values.

The adjoining land (Lot 1492) is a declared sacred site, however, there are no social, cultural or heritage values that affect the development site. Building works will not impact upon Lot 1492.

10. Pursuant to section 51(t) of the *Planning Act 1999*, in considering a development application the Development Consent Authority may take into consideration other matters as it sees fit. The consent authority noted that the Central Desert Regional Council, the MacDonnell Regional Council and the Alice Springs Town Council have indicated intent to continue working towards achieving mutually

beneficial outcomes in relation to parking within nearby road reserves and commends the parties on the collaborative approach.

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

ITEM 2 CHANGE OF USE TO LEISURE & RECREATION (GYMNASIUM)
PA2019/0276 UNIT 10762, UNIT 2 (39B) STUART HIGHWAY, SUBURB OF STUART
APPLICANT ZONE A PTY LTD

Simon Pettit (Zone A Pty Ltd), Peer Schroter (Land Owner) and Peter Athanitis (representing F45 Training) attended the meeting and spoke further to the application.

Mr Athanitis tabled a document regarding the expected operating hours of the business.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1
0092/19 (Parking Requirements) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Unit 10762 (Unit 2, 39B) Stuart Highway, Suburb of Stuart, Town of Alice Springs for the purpose of leisure and recreation (gymnasium), subject to the following conditions, for the following reasons:

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans and a noise management plan 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.
 - a) Building plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (i) the detailed floor layout, including provision to park a minimum of 10 bicycles within Unit 10762 and/or Unit 10765. (Note: If any of the bicycle storage/parking is proposed to be located within Unit 10765, written support from the Body Corporate must be provided and the storage must be designed/located so as not to affect the functionality of the parking layout or unduly impede access (pedestrian/vehicular) to Unit 10761, Unit 10762, Unit 10763 or Unit 10764);
 - (ii) details and location of acoustic barriers and noise dampening measures designed with a view to ensuring that noise emissions from the proposed gymnasium use are unlikely to unduly impact on the amenity of occupants of adjoining Unit 10761 and Unit 10763 respectively. (Note: Any response to this requirement should be accompanied by documentation from an acoustic engineer or other suitably qualified person confirming the suitability of the proposed works and measures for achieving the stated aim of '*ensuring that noise emissions from the proposed gymnasium use are unlikely to unduly impact on the amenity of occupants of Unit 10761, Unit 10763 or Unit 10764 respectively*')

- b) The noise management plan must:
- (i) be designed with a view to complementing acoustic barriers and noise dampening measures to ensure that noise emissions from the gymnasium do not unduly impact on the amenity of occupants of Unit 10761, Unit 10763 or Unit 10764 respectively’);
 - (ii) include a complaint lodgement procedure designed to ensure that owners and/or occupants of adjacent properties are able to report noise issues including:
 - telephone contact details for management (or other nominated persons);
 - an address for correspondence to management in relation to noise issues; and
 - recording mechanisms for complaints received and actions taken; and
 - (iii) include a plan for responding to noise complaints.

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

GENERAL CONDITIONS

2. The works carried out under this permit must be in accordance with the drawings endorsed as forming part of this permit, to the satisfaction of the consent authority. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The developer must provide a statutory declaration to the consent authority confirming that acoustic barriers and noise dampening measures have been constructed and/or installed in accordance with the drawings endorsed as part of General Condition 2 of this permit.
4. Noise from the gymnasium/fitness centre must be managed at all times in accordance with the noise management plan endorsed as part of this development permit, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
6. Group training sessions are not permitted between the hours of 9.30am and 5.00pm (Monday to Friday inclusive).
7. Any new 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 must be disposed of to ground level in a controlled manner. This condition is to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval". The developer is advised to contact a registered private Building Certifier to ensure that relevant approvals are obtained before commencing demolition or construction works.

2. 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 <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>. The proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR as part of its comments in relation to the application approved by this development permit. 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.
3. If food is to be prepared or sold from the premises as an ancillary and subordinate adjunct to the gymnasium use, The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *Public and Environmental Health Act 2011* and Regulations, the *Food Act 2004* and National Food Safety Standards.
4. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message).
The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. Site access and egress, parking areas, driveways and landscaping shown in the drawings endorsed as forming part of Development Permit DP11/0094 as amended through Variation of Conditions Permit DP11/0094A must be provided and maintained in accordance with the requirements of those permits.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. Unit 10762 is located within Zone LI (Light Industry) and the proposed use is of a type considered to be appropriate to zone provided that it is developed and operated in a manner that does not detrimentally affect the amenity of adjoining or nearby land, noting that the primary purpose of the zone is "*to provide for light industry uses or development activities that will not by the nature of their operations, detrimentally affect adjoining or nearby land*".

The proposed development and use of Unit 10762 for the purpose of leisure and recreation (gymnasium), as approved is not expected to adversely affect the amenity of adjoining or nearby land.

2. The purpose of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The table to clause 6.5.1 of the Scheme identifies a minimum requirement of 10 spaces per 100m² of net floor area applies to the proposed use. Based on a net floor area of 238m², a minimum requirement of 24 parking spaces applies. Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme provides for a use or development with fewer car parking spaces than required by clause 6.5.1 and, in accordance with clause 6.5.2.2, the consent authority may approve a use or development with fewer car parking spaces than required by clause 6.5.1 if it is satisfied that a reduction is appropriate for the use or development, having considered:
- The zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
 - The provision of car parking spaces in the vicinity of the land;
 - The availability of public transport in the vicinity of the land; and
 - The use or development relates to a heritage place and the Minister responsible for the administration of the *Heritage Act* supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

In this instance, the consent authority, has considered the proposal with regard to sub-clauses 6.5.2.2(a), 6.5.2.2(b) and 6.5.2.2(c) and decided that a reduction to the parking required under clause 6.5.1 is appropriate subject to restricted hours for group training sessions and a requirement for the provision of bicycle parking for a minimum of 10 bicycles, as part of the development, as:

- a) The proposed hours of operation for the gymnasium are generally outside of the core business hours of 9am to 5pm Monday to Friday.
- b) Existing public parking available within the Stuart Highway road reserve in the locality is expected to provide capacity to accommodate overflow parking if and when required, particularly during the proposed hours of operation, but also if gymnasium classes were held during other times.
- c) The provision of dedicated and secure bicycle parking is expected to assist in encouraging gymnasium clients and staff to travel to and from the facility by bicycle.
- d) A significant proportion of clients attending the proposed gymnasium may be expected to travel to and from the site either by for or by bicycle limiting the demand for car parking.
- e) There are 32 car parking spaces on Unit 10765 available for use in association with the development and use of Units 10761 to 10764 (inclusive) and it is envisaged that the parking, in conjunction with public parking in the locality will reasonably service the 4 units.
- f) Notwithstanding that all parking spaces within Unit 10765 are part of the common property for Unit Titles Scheme UTS 2016/022, the Body Corporate has the power to manage the use of the parking area if and when required.
- g) Subject to the provision of parking for a minimum of 10 bicycles and restricted hours for group training sessions, as approved the proposed use is not expected to be highly or unduly dependent on public parking in the locality.

The reduced parking requirement is not expected to frustrate the objective of clause 6.5.1 of the Scheme.

3. Pursuant to section 51(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. 1 public submission (from the owner of adjoining Unit 10763) was received, raising concerns in relation to potential noise and parking impacts of the proposed development and use. The conditions of approval are expected to assist in ensuring that the proposed development and use does not unduly impact on the amenity of occupants of adjacent or nearby premises.
4. Pursuant to section 51(h) of the *Planning Act 1999*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The application identifies/contends that:
 - a) With consent, the proposed change-in-use development is anticipated and supported by the provisions of the Northern Territory Planning Scheme.
 - b) The proposed change-in-use gymnasium development will provide an additional, alternative choice and venue to the ever-growing personnel health and fitness industry, which in turn will provide community health and lifestyle benefits.
 - c) The change-in-use development enables an otherwise vacant tenancy to be utilised efficiently and productively.
 - d) The change-in-use development will provide flow-on economic benefits to the Alice Springs community.
5. Pursuant to section 51(j) of the *Planning Act 1999*, the consent authority must take into consideration 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 Department of Environment and Natural Resources and Development Assessment Services, Department of Infrastructure, Planning and Logistics have reviewed the application and not identified any issues of concern with respect to land capability considerations.
6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The application was referred to relevant service authorities, including the Alice Springs Town Council, the Power and Water Corporation, the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division (TCSD)), the NT Fire and Rescue Service for comment. Comments received have been considered and the conditions of approval are expected to assist in ensuring that the proposed development and use is appropriately serviced.

It is noted that:

- Site access, egress and car parking are all located within Unit 10765 which is common property under Unit Titles Scheme UTS 2016/022.
- Site access, egress and car parking are all located within Unit 10765 which is common property under Unit Titles Scheme UTS 2016/022.
- No changes to access, egress or the parking layout approved by Development Permit DP11/0094 as amended through DP11/0094A are proposed and TCSD has previously issued a clearance in full for DP11/0094.
- Under Condition 2 of DP11/0094A, car spaces, access lanes and driveways must be kept available for these purposes at all times.

- Development approval for the gymnasium on Unit 10762 does not obviate the ongoing requirement to comply with the conditions of DP11/0094 and DP11/0094A as they relate to Unit 10765 Stuart Highway, Alice Springs.
7. Pursuant to section 51(n) of the *Planning Act 1999*, 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 conditions of approval include requirements aimed at ensuring that noise emissions from the proposed gymnasium use are unlikely to unduly impact on the amenity of occupants of any adjoining or nearby properties.

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

ITEM 3 GROUP HOME WITHIN DEFINED FLOOD AREA
PA2019/0288 LOT 9256 (8) BALDISSERA DRIVE, SUBURB OF ROSS
APPLICANT ZONE A PTY LTD

Simon Pettit (Zone A Pty Ltd) and Sharijn King (CEO Waltja Corporation) attended the meeting and spoke further to the application.

John Joseland spoke further to his submission and tabled photos of the 1983 flooding on his property.

Dawn Jacko spoke further to her submission.

Tony McKenzie on behalf of his wife Margaret, spoke further to their submission. Tony tabled further comments from his wife Margaret who was unable to attend the meeting.

Tony McKenzie read out and tabled comments from Pam Hooper.

Simon Pettit and Sharijn King responded to the submitter's comments/concerns.

Dawn Jacko spoke further to the applicant's response.

Fred Twohig spoke further to his submission.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development
0093/19 Consent Authority defer consideration of the application to develop Lot 9256, 8
 Baldissera Drive, Suburb of Ross, Town of Alice Springs for the purpose of a group
 home and independent unit in a defined flood area to require the applicant to
 provide the following additional information that the Authority considers necessary
 in order to enable the proper consideration of the application:

1. The applicant providing written confirmation from a registered building certifier that the Occupation Certification (under the *Building Act 1993*) for the structures on the site can and will be amended such that there are only 2 x National Construction Code "Class 1a" buildings on the site being the:
 - "group home" and associated habitable outbuildings, with suitable physical connection, such that Authority may consider it to be a single structure; and
 - "independent unit".

2. updated drawings showing:
 - a) site plan, at a legible scale showing the following information:
 - boundary dimensions and existing/proposed easements;
 - existing and proposed buildings and their distance from lot boundaries;
 - use of each building labelled on site plan;
 - vehicle access point to the site boundary and vehicle access tracks within the site;
 - locations and descriptions of fencing and landscaping;
 - locations of the effluent disposal systems on the site;
 - private open space arrangements (demonstration that the criteria contained in sub-clause 2 of Clause 7.5 of the NT Planning Scheme will be complied with; and
 - any firebreaks required to comply with section 3 of the *Fire and Emergency Regulations 1996*.
 - b) floor plans of all buildings on site showing the following additional/updated information:
 - physical connection between residential buildings used for the “group home”;
 - use of rooms, floor layouts, partitioning and plumbing fixtures with laundry facilities and main kitchen for the “group home” only; and
 - the number and locations of beds associated with the “group home” use of the site.
3. The applicant providing evidence that the requirements listed in sub-clauses 4(a), (b) and (c) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme have been complied with.
4. Verification from the applicant and/or NT Fire and Rescue Service that the site will comply with the *Fire and Emergency Regulations 1993* in terms of:
 - Provision and maintenance of firebreaks (section 3);
 - Emergency planning (section 11) - or verification that this does not apply; and
 - Requirements relating to smoke alarms (Part 2A).
5. Verification from the land owner whether the finished floor level of the independent unit can be modified/raised to 300mm above the modelled (2015) 1% AEP flood level.
6. Details of any physical characteristics of the site and building design which may minimise the flood risk or damage to the “independent unit” from sheet water flow.
7. A written response from the applicant as to how the matters contained in the Department of Health’s “Public & Environmental Health Guidelines for Group Homes – February 2016” will be implemented in relation to the use of the site. This information may later form part of an Operational Management Plan, including contacts which address the impacts on adjoining neighbours and mechanisms to handle complaints.
8. Identification of any special circumstances that the applicant wishes the Authority to consider to justify the reduced building setbacks to the south side boundary of the site (2 x carports) and how the purpose of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme is achieved.

ACTION: DAS to prepare Notice of Deferral

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

SUZANNE PHILIP

Chair

16 September 2019