DEVELOPMENT CONSENT AUTHORITY
ALICE SPRINGS DIVISION

MINUTES

MEETING No. 226 – WEDNESDAY 8 NOVEMBER 2017

DOUBLETREE BY HILTON
SPINIFEX ROOM
82 BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Alistair Feehan, Steve Brown (Alternate Member)

APOLOGIES: Jamie de Brenni, Jade Kudrenko

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 11:00 am and closed at 11:40
ITEM 1  
GARAGE ADDITION TO AN EXISTING MULTIPLE DWELLING (UNIT 2)  
WITH REDUCED FRONT AND SIDE SETBACKS  
PA2017/0469  
LOT 7182, 37 LYNDAVALE DRIVE, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS  
APPLICANT D & M COLLIER

Darcy Collier attended the meeting and spoke further to the application.

RESOLVED  
0094/17  
That, the Development Consent Authority varies the requirements of clause 7.3 (Minimum Building Setbacks) of the NT Planning Scheme, and pursuant to section 53(a) of the Planning Act, consents to the proposed development to develop Lot 7182 Unit 2, (37) Lyndavale Drive, Suburb of Larapinta, Town of Alice Springs for the purpose of a garage addition to an existing multiple dwelling with reduced front setback, 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 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, to the satisfaction of the consent authority.

3. Stormwater is to be contained within the site, or 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. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.

5. Prior to the commencement of use of the approved garage planting must be provided between the garage and the front boundary fence with species selected with a view to assisting in further integrating the building into the streetscape. As a minimum, two shrubs/trees of species expected to meet a minimum height of 2.5m within two years of planting is envisaged. A site plan showing proposed planting must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and complement the plans endorsed under condition 1 of this development permit.

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

6. The planting approved as part of the approved garage development must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council, before commencement of any work within a road reserve.

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

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

4. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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

REASONS

1. Pursuant to section 51(a) of the Planning Act, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The 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. The approved garage addition is expected to be in keeping with the scale, character and varied architectural styles of the Larapinta locality and compatible with the streetscape and surrounding development.

2. A variation to the front setback requirements contained in in clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme is granted for the garage
addition for the following reasons:

a) The location of existing buildings and private open space areas to the rear of the dwellings Lot 7182 and lack of vehicle access constrain opportunities to develop a garage to the rear of the site.

b) A similar garage has been approved and developed in the front of Unit 1, Lot 7182 and like the proposed garage, is located within the common property area for Lot 7182 as set out in Unit Plan 92/37.

c) The garage has height dimensions of 2.4m for the side walls and 3.224m to the apex of the gable and the building will be substantially screened from the street by existing 2m high fencing to the front boundary and 1.9m high fencing to the eastern side boundary.

d) Planting is proposed in the area between the front boundary and the garage with a view to further assisting in integrating the building into the streetscape. As the planting is not shown on the site plan, a condition of approval may be included requiring such planting.

e) The garage has length and width dimensions of 6.15m x 6.15m, which in conjunction with the limited height is expected to further limit the potential for visual building massing when viewed from the street.

f) Existing trees within the adjoining road reserve may be expected to further assist in filtering views of the garage from the street.

g) The proposed development is not expected to be out of character with the established streetscape on account of the reduced building setbacks.

In accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned conditions and circumstances are considered to be sufficient special circumstances that justify the granting of variations to clause 7.3 of the Scheme.

3. Pursuant to section 51(e) of the Planning Act 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. The application was publicly exhibited in accordance with Planning Act and Regulations and no submissions were received. The Alice Springs Town Council did not make a submission under section 49(3) of the Act.

4. Pursuant to section 51(h) of the Planning Act the consent authority must take into consideration the merits of the proposal as demonstrated in the application. The dwelling additions are expected to offer the occupants an improved level of amenity by increasing the floor area and functionality of the dwelling without any significant amenity impact on adjoining properties or the locality.

5. Pursuant to section 51(m) of the Planning Act, in considering a development application, 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 conditions of approval are expected to assist in ensuring the orderly servicing and development of the site in accordance with applicable standards.

6. 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 garage is
of a form and scale that is not expected to be out of character with the Larapinta locality or the established streetscape. The relatively low height and small size of the proposed building in conjunction with existing screen fencing may be expected to limit the potential for any adverse impact on the visual amenity of the streetscape or other properties. Notwithstanding that no adverse impact is envisaged, it is recommended that the developer be required to provide some planting between the garage and the street with a view to assisting in further integrating the building into the streetscape.

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

**ITEM 2**

**SHED / GARAGE ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED FRONT SETBACK**

**PA2017/0466**

**LOT 2213, 13 CHALMERS STREET, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS**

**APPLICANT**

**MR DUANE APPO**

Duane Appo attended the meeting and spoke further to the application.

**RESOLVED 0095/17**

That, pursuant to section 46(4)(b) of the Planning Act, the Authority defers consideration of the application to develop Lot 3312, 13 Chalmers Street, Suburb of Gillen, Town of Alice Springs for the purpose of a shed / garage addition to an existing single dwelling with a reduced front setback, subject to the applicant submitting the following information that the consent authority considers necessary to enable proper consideration of the application:

- A response from the applicant regarding how the siting and design of the proposed shed / garage is consistent with the purpose of Clause 7.3 of the Scheme;
- The need for the garage / shed to have such a reduced front setback and why a smaller shed with compliant building setbacks would not achieve the land owner's requirements;
- Whether the design / siting of the shed could be altered to reduce the visual bulk as presented to the streetscape;
- Details of any landscaping to be retained or proposed between the shed / garage and the front boundary to lessen the visual bulk of the shed.

**REASONS**

1. Pursuant to section 51(a) of the Planning Act, in considering a development application, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The NT Planning Scheme applies to the development of the subject site. The required additional information is considered necessary in order for a proper assessment of the development to be undertaken, particularly how the proposal complies with the purpose of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme.

Pursuant to sub-clause 3 of Clause 2.5 of the NT Planning Scheme, the Development Consent Authority may consent to the development of land that does not meet the standards set out in Part 4 of the Scheme only if it is satisfied that special circumstances justify the giving of consent.
Deferral of the proposal will give the applicant opportunity to reconsider the design and identify special circumstances to justify the variations sought to the NT Planning Scheme.

2. The application as submitted is not considered to provide sufficient information to enable a full and proper assessment of the application against the matters contained in section 51 of the Planning Act.

ACTION: DEFERRED. DAS to meet with applicant.

ITEM 3  
CHANGE OF USE FOR PART OF AN EXISTING SINGLE STOREY BUILDING FROM SHOP TO MEDICAL CLINIC  
PA2017/0459  
LOT 1111, 1 HEARNE PLACE, SUBURB OF BRAINTLING, TOWN OF ALICE SPRINGS  
APPLICANT  
SUSAN DUGDATE AND ASSOCIATES

Susan Dugdale attended the meeting and spoke further to the application.

RESOLVED  
0096/17  
That, the Development Consent Authority varies the requirements of Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the Planning Act, alters the proposal and consents to the application as altered to develop Lot 1111 (1) Hearne Place, Suburb of Braitling, Town of Alice Springs, for the purpose of change of use from shop to medical clinic, subject to the following conditions and for the following reasons:

GENERAL CONDITIONS

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

2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the development shown on the drawings in accordance with the authorities' requirements and relevant legislation at the time.

3. Prior to the commencement of the medical clinic use, air-conditioner plans and screening plans, to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and complement the plans endorsed under condition 1 of this development permit, and detail air-conditioning condenser units associated with the medical clinic as well as screening from surrounding public areas and residential properties. (Amended plans and documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority c/o Development Assessment Services, Department of Infrastructure, Planning and Logistics, c/o Alice Springs Branch via email to das.ntg@nt.gov.au.)

4. All air conditioning units and/or condensers (including any condenser units required to be added or replaced in the future) associated with the medical clinic are to be screened from surrounding public areas and residential properties in accordance with endorsed screening plans and condensate is to
be disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES:

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council, before commencement of any work within a road reserve.

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

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

4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

5. Notwithstanding the approved plans, all signage is subject to the Alice Springs Town Council approval, at no cost to Council.

6. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

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

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

REASONS

1. Pursuant to section 51(a) of the Planning Act, in considering a development application the consent authority must take into account the planning scheme that applied to the land to which the application relates. The proposed medical clinic use is considered appropriate to Zone C (Commercial) of the Northern
Territory Planning Scheme and the Braitling locality and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.

2. Taking into account the matters listed in Clause 6.5.2 (Reduction in Parking Requirements), it is considered that a variation to clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported in this instance, as:
   a) the site is located immediately adjacent to bus stops that are currently regularly serviced (Monday to Saturday);
   b) a significant proportion of the clients for the existing clinic and proposed extension may be expected to travel by foot or community mini-bus service;
   c) the Central Australian Aboriginal Congress (CAAC), which is the proposed operator has identified that under its current service model, every client sees a nurse initially and then a general practitioner. Development Assessment Services concurs in principle with the reasoning in the application to the effect that the number of consulting rooms proposed is not a reflection of the numbers of clients;
   d) a fundamental principle of the proposed clinic model (a identified by CAAC) is that it is within walking distance from the client population and therefore will create the ease of access required to assist those individuals who do not have motor vehicles;
   e) it is envisaged that a significant proportion of the client visits to the shopping centre are residents in the surrounding neighbourhood and travel by foot, bicycle or public transport, limiting the demand for on-site car parking;
   f) peak hours for the medical clinic use are not expected to coincide with peak hours for all other uses, and the demand for parking at any given time is accordingly expected to be limited;
   g) there are currently approximately 107 parking spaces including 2 parking spaces for persons with a disability located immediately adjacent to the Hearne Place shopping centre and accessible via Hearne Place, Tietkens Avenue and Kekwick Avenue. The parking is all located within Alice Springs Town Council road reserve and services the Hearne Place shops and a preschool at Lot 1112 Kekwick Avenue;
   h) there are also two demarcated taxi mini-bus parking areas adjacent to the Stuart Highway and within the Hearne Place car parking area;
   i) the existing public car parking to the eastern and western sides of the Hearne Place shopping centre is expected to be adequate to service the parking demand generated by the proposed medical clinic use, shop uses of other buildings within the centre and the preschool at Lot 1112;
   j) the provision of on-site parking is not possible without substantially modifying the existing building.

These circumstances are considered to justify the granting of a variation to clause 6.5.1.

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

4. Pursuant to section 51(h) of the Planning Act, in considering a development application the Development Consent Authority is required to take into account
the merits of the proposed development as demonstrated in the application. The application identified merits including:

a) Improved access and continuity of care to the most marginalised people in Australia through the adoption of a fit for purpose business model which has been highly effective in South East Queensland for improving medical outcomes for patients;

b) Improved access to pharmaceutical services [free medicine under section 100 of the National Health Act 1953 (Commonwealth)] to clients;

c) Routine external cleaning and on call security for the proposed development;

d) The long term tenancy of a soon-to-be vacant premises that is expected to improve the viability of neighbouring tenancies and public safety through increased pedestrian presence etc; and

e) Negligible imposition on the public facilities, open spaces and utilities of the area.

5. Pursuant to section 51(j) of the Planning Act, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.

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

a) The Alice Springs Town Council (Council) recommended a permit condition as follows:

"The development must apply for a permit from Alice Springs Town Council, to use the proposed 51 parking spaces so as to designate and keep available such parking at all times for use of this development."

The consent authority does not consider it appropriate to restrict usage of 51 parking spaces as suggested as it is expects that the current 'unregulated' arrangements are likely to better ensure availability of adequate parking for all uses within the shopping centre at all times. The consent authority notes that the Council owns the car parking area and is able to regulate parking regardless of any development permit issued for the use of Lot 1111.

b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and has requested standard permit conditions and notes relating to PAWC interests. Standard conditions and notes regarding works and easements are expected to duly recognise PAWC's interests with respect to the proposed development.
7. Pursuant to section 51(n) of the Planning Act, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Conditions of approval relating to screening of air-conditioners are expected to assist in ensuring that such equipment does not unduly impact on the amenity of surrounding public areas or residential properties.

**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

//14/11/2017