



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

### **MINUTES**

**MEETING NO. 288 – WEDNESDAY 11 DECEMBER 2024**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Chris Neck, Marion Guppy (Via Teams) and Matt Paterson (Via Teams).

**APOLOGIES:** Deepika Mathur  
**LEAVE OF ABSENCE:** None

**OFFICERS PRESENT:** Chay Garde, Ben Taylor, Kieran Marsh, Nellie Reinhard, Ann-Marie Reynolds and Courtney Ackerman (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Matt Raymond

**Meeting opened at 10:45 am and closed at 2:00 pm**

THE MINUTES RECORD 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **ALTERATIONS AND ADDITIONS TO AN EXISTING DWELLING-SINGLE**  
**PA2024/0342**           **WITH REDUCED BUILDING SETBACKS TO THE PRIMARY STREET AND**  
                                 **SIDE BOUNDARIES**  
                                 **LOT 6650 (86) DIXON ROAD, BRAITLING, TOWN OF ALICE SPRINGS**  
**APPLICANT**           **M. AND C. FIOR CONSTRUCTIONS PTY LTD**

Attended in person: Applicant: Alexander Fior (M. and C. Fior Constructions Pty Ltd).

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 5.4.3  
**49/24**                    (Building Setbacks of Residential Buildings and Ancillary Structures) of the  
                                 Northern Territory Planning Scheme 2020 and pursuant to section 53(b) of the  
                                 *Planning Act 1999*, the Development Consent Authority alter the proposed  
                                 development and consent to the proposed development as altered to develop  
                                 Lot 6650 (86) Dixon Road, Braitling, Town of Alice Springs, for the purpose of  
                                 alterations and additions (including ancillary structures) to an existing dwelling-  
                                 single with reduced building setbacks to the primary street and side boundaries,  
                                 subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works, 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 must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) deletion of:
    - i. "Carport 2"
    - ii. second (eastern) driveway; and
    - iii. associated concretingfrom drawings / scope of works.
  - (b) any changes that may be required to the site plan and design of "Carport 1" and existing driveway to accommodate the use of an additional vehicle (two bay carport)
  - (c) updated "Carport 1" details including the following:
    - location of support columns and building setbacks to side (Lot 6651) and street boundaries)
    - details of roof eaves and gutters (to satisfy sub-clause 8 of Clause 5.4.3 of the NTPS2020).
  - (d) apex height of gable end wall (West Elevation)

#### **GENERAL CONDITIONS**

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

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3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage, electricity services to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 5 for further information.
4. 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.
5. Any alterations and additions to the kerb crossover/s and driveway/s to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
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, in accordance with the requirements of Alice Springs Town Council.

### NOTES:

1. 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.
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. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 land is within Zone LR (Low Density Residential) of the NT Planning Scheme 2020 (NTPS2020) and developed with a dwelling-single. The purpose of Zone LR is to provide predominantly for *low-rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available*. The zone outcomes relevant to the application includes that:

- *dwellings and outbuildings are setback in a manner sympathetic to neighbours, the streetscape and scale and character of surrounding development; and*
- *building design, site layout and landscaping provide a sympathetic interface to the adjoining public spaces and between neighbours, provides privacy and attractive outdoor spaces.*

The development requirements of “Part 5” of the NTPS 2020 include Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), which requires that

- support columns of a carport (an ancillary structure without external walls) are setback a minimum of:
  - 1.5m to the side and rear boundaries (0.6m building setback for roof eaves and gutters); and
  - 4.5m to the primary street boundary (3.6m roof eaves and gutters).
- Walls of residential buildings are setback a minimum of:
  - 1.5m to the side and rear boundaries (0.6m building setback for roof eaves and gutters); and
  - 6m to the primary street boundary (5.1m building setback for roof eaves and gutters).

The application (as exhibited) proposed:

- infill of a carport/garage area to create a dwelling extension (additional habitable room) which would have a side building setback of 1m to the boundary of Lot 6651;
- two freestanding carports in the front yard of the site:
  - Carport 1 – single bay carport in line with the existing driveway with support columns setback 0.5m from side boundary (Lot 6651) and 4.104m from primary street boundary
  - Carport 2 – two bay carport addition to be accessed by a new (second) driveway and kerb crossover with support columns proposed to be setback 0.5m from the primary street boundary.

The design complied with all other prescriptive requirements listed in Part 5 of the NTPS2020.

The considerations listed under sub-clause 3 of Clause 1.10 of the NTPS2020 do not apply to this development application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under sub-clause

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2 of Clause 1.10 and section 51(3) of the *Planning Act 1999*, the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

As set out in sub-clause 2 of Clause 1.10 - *In considering an application for consent for a use or development that has become Merit Assessable under Clause 1.8(1)(b)(ii)(2), the consent authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements.*

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

Administratively, sub-clause 3 of Clause 5.4.3 provides that that - *the consent authority may consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

Pursuant to section 50 and 51(1)(e) of the *Planning Act 1999*, at its 11 December 2024 meeting, the consent authority noted the information contained in the assessment report (prepared by Development Assessment Services) and the verbal evidence from the Alice Springs Town Council and the applicant. The public submitter did not attend the meeting. The consent authority noted that the applicant was amenable to the application being amended to enlarge "Carport 1" and delete "Carport 2".

Altering the application (as exhibited) and granting a variation to Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NTPS2020 to allow the reduced building setbacks is considered to be appropriate to the site and consistent with the outcomes of Zone LR and purpose of Clause 5.4.3 for the following reasons:

- The dwelling extension (proposed bedroom 4) proposed is infill the existing carport/garage which was built with a reduced building setback of 1m from the western side boundary (existing wall will be retained).
- The height, roof pitch, colours and building materials of the carport is compatible with the existing dwelling-single on the site;
- The existing kerb crossover and driveway will be utilised and the carport is being located over part of the driveway already used for the parking of vehicles.
- The carport is an open sided structure and the reduced side building setback is compatible with the existing buildings and landscaping on the subject site and streetscape.
- The dimensions (length, width and height) of the carport allow for sufficient space for 2 cars to be parked underneath the structure and associated clearance distances.

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- Some existing, mature landscaping (planting) in the front yard of the site and in the road reserve will be retained and will assist in the screening of the carport.
  - The variations granted for the carport are considered acceptable having regard to the siting, which takes advantage of the existing driveway, and a design that is compatible with the streetscape, and which would not unduly impact upon neighbouring amenity.
  - A solid metal fence (~1.8m high) provides visual screening / privacy to the adjacent property.
2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority, in considering a development application, must take into account any submissions made under section 49, and any evidence or information received under section 50 in relation to the development application.

The consent authority notes that the email submission provided during the period of exhibition cannot be considered a “submission” in relation to section 51(1)(e) of the *Planning Act 1999* as it fails to comply with the requirements set out in Section 49(5). In that the information provided did not include a formalised name, contact, and address. The consent authority considers the information provided under section 51(1)(t) (other matters it thinks fit) of the *Planning Act 1999*.

3. Pursuant to section 51(1)(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 altered design is considered to be a better design outcome in terms of minimising the amount of hardstand surface on site, not requiring excavation of the hill and existing vegetation can be retained. Conditions and advisory notes included in a development permit can be expected to assist in ensuring the appropriateness of the development with respect to the capability of the land.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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 and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site; and
- The NTPS 2020 objectives and development performance criteria relating to access, works within road reserves and the connection to and upgrading of services/infrastructure will be complied with

4. Pursuant to section 51(1)(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.

It is considered that amended drawings will result in an improved level of amenity which enhances presentation to the streetscape in accordance with the zone outcome of Clause 4.2 of the NTPS2020 and requirements of Clause 5.2.6.1. Further, that it will be more aligned to key objectives of residential development outlined in the Alice Springs Regional Land Use Plan 2016, by enhancing environmental values and climatically appropriate design.

5. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The assessment of the application did not identify and declared natural or heritage values relevant to the location of works on the subject site. Works associated with the new carport and dwelling extension (application as altered) will be undertaken on parts of the site that are already excavated. Nonetheless, an advisory note has been included on the permit for the land owner / developer to consult with the Aboriginal Areas Protection Authority as the adjacent lot (Lot 8064) has culturally significant areas on it and AAPA restricted works areas may extend beyond lot boundaries of that land.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Consent and Development Permit

**ITEM 2  
PA2024/0318**

**ALTERATIONS & ADDITIONS TO AN EXISTING CARAVAN PARK INCLUDING CONSTRUCTION OF 14 CABINS, OUTBUILDINGS, ANCILLARY LEISURE AND RECREATION (WATER PARK), MOBILE FOOD AND DRINK PREMISES**

**APPLICANT**

**LOT 11004 (25) PALM PLACE, ROSS, TOWN OF ALICE SPRINGS  
TATAM PLANNING CO.**

Attended via teams: Applicant: Cat Tatum (Tatam Planning Co.), Joel Ginges (Discovery Parks) and Travis Miller (Discovery Parks).

**RESOLVED  
50/24**

**RECOMMENDATION**

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 (Car Parking Spaces), Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and T) and Clause 5.5.13 (Caravan Parks) of the Northern Territory Planning Scheme 2020, 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 Lot 11004, 25 Palm Place, Suburb of Ross, Town of Alice Springs for the purpose of alterations and additions to a caravan park including construction of 14 cabins, outbuildings, amenity buildings and recreation facility (water park) for the use of occupants of the caravan park and their visitors, ancillary leisure and recreation (water park), subject to the following conditions:

**CONDITION PRECEDENT**

1. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the drawings (dated 29/08/2024) included with the application material that formed part of Bookmark B of the agenda report for the 11/12/2024 DCA meeting, but modified to show/demonstrate:
  - (a) Locations and details of vehicle and pedestrian access gates at the main entrance to the site (labelled on drawings with setback distance from boundary of Palm Place)
  - (b) laundries within the new cabins (use of room / area labelled on floor plans);
  - (c) a minimum of one designated 'car parking space' for each cabin site labelled on the drawings (including the associated length, width dimensions of bays plus any required pedestrian circulation space ie: cabins for persons with mobility impairments).
  - (d) full compliance with sub-clause 12(d) of Clause 5.5.13 of the NTPS2020 (with area (m<sup>2</sup>) and dimensions of each cabin site to be labelled on drawings);
  - (e) existing (retained) or relocated bicycle parking area(s) on the site (available for staff and visitor use)
  - (f) location and dimensions of waste bin storage area (for new cabins) labelled on drawings
  - (g) updated landscaping drawings generally in accordance with the detail shown on the 29/08/2024 drawings, but updated to show:
    - i) additional planting adjacent to cabins with the objective to delineate the different cabins and provide shade and privacy (sub-clause 12(e) of Clause 5.5.13 of NTPS2020)
    - ii) additional planting for the perimeter of the mobile food premises area (sub-clause 14 of Clause 5.5.3 and sub-clause 3 of Clause 5.2.6.1 of NTPS2020)
    - iii) plant species for all new landscaping associated with works approved by this permit (should be native to the Central Australian region)

Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Lands, Planning and Environment, C/- Alice Springs Branch via email to [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)



**GENERAL CONDITIONS**

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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 drawings must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the drawings;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked or otherwise suitably delineated to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
4. “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.
5. Before the use/occupation of the development starts, the landscaping works shown on the endorsed drawings must be carried out and completed to the satisfaction of the consent authority.
6. The landscaping shown on the endorsed drawings must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity, and sewerage services to the development shown on the endorsed drawings in accordance with the authorities’ requirements and relevant legislation at the time. Please refer to notation 1 for further information.
10. 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.

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11. The kerb crossings and driveways to the site shown on the drawings endorsed as part of this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.
13. All proposed works impacting on Palm Place (including the provision or connection of services) are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council, Drawings must be submitted to the Alice Springs Town Council, for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

### NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
3. 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>
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
5. Notwithstanding the approved drawings, all signage is subject to Alice Springs Town Council approval, at no cost to Council.

14. A “Permit to Work Within a Road Reserve” may be required from Alice Springs Town Council before commencement of any work within the road reserves.
15. Any on-site wastewater management system is to be installed or upgraded in accordance with the NT Code of Practice for Wastewater Management. [https://nt.gov.au/\\_data/assets/pdf\\_file/0011/998048/note-109-wastewater-management-system-design-installation.pdf](https://nt.gov.au/_data/assets/pdf_file/0011/998048/note-109-wastewater-management-system-design-installation.pdf)
6. 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.
7. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on (08) 89364070 to determine if the proposed works are subject to the Act.
9. 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>

For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Lands, Planning and Environment ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 89994446.

**REASONS FOR THE DECISION**

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 2020 (NTPS2020) applies to the land which is zoned TC (Tourist Commercial).

The Development Consent Authority notes that the NTPS2020 definition of “caravan park” means - *land used for the parking of caravans or the erection or placement and use of tents or cabins for the purpose of providing accommodation. The use may include, where ancillary, a manager’s residence and office, bar-small, food premises-cafe/take away, food premises-restaurant, shop, amenity buildings, and the provision of recreation facilities for the use of occupants of the caravan park and their visitors;*

With respect to the proposed “water park” (splash pad, waterslides and associated infrastructure) referenced in the publicly exhibited drawings, the consent authority notes this permit is issued for the use of this areas as ‘*provision of recreation facilities for the use of occupants of the caravan park and their visitors*’. Further consent (Planning Act 1999) will be required should the land owner wish to operate this area in a manner consistent with the NTPS2020 definition of “leisure and recreation”.

The proposed development and use requires consent under Clause 1.8 (When development consent is required). “caravan park” is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8 of the NTPS2020, and the additions to the existing development/use on site do not comply with sub-clause 1 of Clause 5.5.4. Sub-clause 2 of 5.5.4 specifies that - *where the expansion (of an existing use or development in Zone TC) does not comply with sub-clause 3 of Clause 5.5.4, the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.*

Therefore, pursuant to sub-clause 3 of Clause 1.10, the Development Consent Authority, in considering the application, must take into account all of the following:

- (a) *the relevant requirements, including the purpose of the requirements, as set out in Part 5;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land; and*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Part 5.*

The Overlay listed in Clause 3.6 (LSF – Land Subject to Flooding) applies to part of site, however, the new works will be located on areas of the site not impacted by the overlay mapping. No Area Plan(s) apply to the land or locality. The proposed development and use is consistent with the Alice Springs Regional Land Use Plan 2016.

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The zone purpose and outcomes of Clause 4.13 (Zone TC (Tourist Commercial)) of the NTPS2020, and requirements listed in:

- Clause 3.6 (LSF – Land Subject to Flooding)
- Clause 5.2.1 (General Height Control);
- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.5 (Loading Bays)
- Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)
- Clause 5.5.2 (Commercial Plot Ratio)
- Clause 5.5.13 (Caravan Parks)

are all relevant to the subject site and proposed development and use.

These clauses have been considered and it is found that the drawings included with the proposal comply with the relevant requirements of the NT Planning Scheme 2020 except for:

- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)
- Clause 5.5.13 (Caravan Parks)

Subject to the receipt of updated drawings (further detail via Condition Precedent), the proposed development will be able to comply with Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB) and aspects of Clause 5.5.13 (Caravan Parks).

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

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

(i) Clause 5.2.4.1 (Car Parking Spaces)

“caravan park” is the primary use of the subject site, 14 x self-contained cabins will be constructed on part of an area previously approved for “unpowered camp sites” and currently delineated into 16 camping sites. As outlined in the Table to Clause 5.2.4.1, 14 x cabins requires 15.4 car parking spaces. Each cabin will have room for at least one functional car parking space (two, if cars are parked in a tandem arrangement), updated drawings are required to confirm dimensions and functionality.

Sub-clause 3 of Clause 5.2.4 of the NTPS2020 specifies - *the consent authority may require the provision of car parking spaces for any ancillary use or development in addition to that specified for the primary use or development in the table to this clause.*

With respect to the “water park” (splash pad, waterslides and associated infrastructure, the consent authority, this permit is issued for the use of this areas as ‘provision of recreation facilities for the use of occupants of the caravan park and their visitors’. Further consent (*Planning Act 1999*) will be required should the land owner wish to operate this area in a manner consistent with the NTPS2020 definition of “leisure and recreation”.

The Table to Clause 5.2.4.1 (Minimum Number of Required Parking Spaces) also provides that for - *any other uses (including undefined uses) - minimum number of car parking spaces to be determined by the consent authority*. This is considered to be applicable for the ancillary water park, there is no “net floor area” for the water park and no guidance within the table for a similar use.

The purpose of Clause 5.2.4.1 is to - *ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site*.

Administratively, sub-clause 2 provides that - *the consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*

- (a) 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;*
- (b) the provision of car parking spaces in the vicinity of the land;*
- (c) the availability of public transport in the vicinity of the land; and*
- (d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

*or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.*

The exiting “caravan park” on the site comprises of ~389 sites (~53 tourist cabins, 16 bunk rooms, ~300 tourist sites and ~20 long stay sites), Guest facilities include the swimming pools, gym, BMX track, basketball court, jumping pillow recreation room, laundry facilities. The Development Consent Authority has approved ancillary office, shop areas and an entertainment building. There is currently no designated visitor car parking spaces on the site.

The car parking arrangements for the works approved by this permit are accepted, noting:

- the proposed 14 cabins:
  - are being built over an area of the site previously approved for unpowered camping (16 x existing camping bays marked out on site)



- will each have at least one functional car parking space (2 if cars are parked in a tandem arrangement)
  - all existing individual cabin / camping sites on the premises have been allocated at least one car parking space
  - the caravan park is of a large size, owned and operated by a specialist company with management oversight over empirical guest, visitor and staff parking demand for the property.
  - a percentage of staff live on the site (eg: in cabins with allocated car parking spaces) or do not have vehicles.
  - For security (crime prevention) and safety (deter unsupervised use of pools etc) reasons, vehicle access to the site is restricted to checked in guests. General public / day visitor entry and parking of vehicles to the site is undesirable and conflict with pedestrian safety and functionality of driveways.
  - This permit does not approve use of the proposed water park on the site by the general public (eg: payment of fee), management arrangements will be such that the preference is for guests staying in accommodation on the site will be the primary users of the infrastructure.
  - The fuel bowsers and associated tanks have been demolished (ie: ancillary service station use of part of the site has ceased)
  - The Alice Springs Town Council has not identified and objections to or technical requirements for parking of vehicles within the Palm Place road reserve.
- (ii) Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)

The purpose of Clause 5.3.7 is to - *ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

Sub-clause 2 of Clause 5.3.7 specifies that - *all new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).* Sub-clauses 3 to 6 specify the minimum standards for design and ratios for end of trip facilities etc (showers, lockers, changing facilities, design of bicycle parking etc).

The land is zoned TC and +15 new 'buildings' (Planning Act 1999 definition) are proposed to be constructed. For a "non-residential building" land use (ie: the new cabins), the ratio is 1 bicycle parking space required for every 300m<sup>2</sup> of "net floor area". The net floor area of the cabins is ~760m<sup>2</sup>.



The proposed new works do not include any formal bicycle parking compliant with sub-clauses 2 to 6, but suggests that bicycles are able to be stored in / adjacent to individual cabins (if guests have bicycles).

Administratively, sub-clause 1 of Clause 5.3.7 provides that - *the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:*

*(a) there are alternative end of trip facilities (on or off the site), where:*

- i. the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;*
- ii. access to the alternative end of trip facilities is safe and convenient for users;*
- iii. the alternative end of trip facilities are sheltered and secure; and*
- iv. the size and layout of alternative storage areas allows for safe and comfortable storage and access to bicycles and/or personal items; or*

The Development Consent Authority notes:

- there is scope to park bicycles at the verandah of each room, or within the floor area of a room
- most accommodation rooms (existing and proposed) on the site include showers
- staff have access to existing end of trip facilities
- parking of bicycles outside of rooms is not ideal in terms of security and shelter personal items can be stored inside rooms or staff areas.

*(b) it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or*

The Development Consent Authority notes:

- there is scope to park bicycles at the verandah of each room, or within the floor area of a room
- most accommodation rooms (existing and proposed) on the site include showers
- staff have access to existing end of trip facilities
- parking of bicycles outside of rooms is not ideal in terms of security and shelter
- personal items can be stored inside rooms or staff areas.

*(c) it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.*

The Development Consent Authority notes:

- this sub-clause is considered relevant
- all accommodation rooms (existing and proposed) on the site include showers
- no new office areas etc are proposed in the additions to the site

Noting the above matters, it is considered that a complete variation to Clause 5.3.7 (to negate the requirement for formal bicycle storage for the new buildings) is acceptable, however, existing communal / visitor bicycle parking should be shown on drawings.

(iii) Clause 5.5.13 (Caravan Park)

Pursuant to section 51(3) of the *Planning Act 1999*, when considering the development application, the consent authority must apply the relevant considerations to only those NTPS2020 components of the development that triggered the requirement for consent under the planning scheme. Sub-clause 2 of Clause 5.5.4 of the NTPS2020 specifies that - *where the expansion (ie: alterations and additions to 'caravan park') does not comply with sub-clause 3 (of Clause 5.5.4), the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.*

The "caravan park" use of the site was established in the early 1980's. The 2024 Development Application is to construct additions to the caravan park including:

- 14 x cabins (each with a designated car parking space)
- water park.
- amenities buildings
- outbuildings (eg: shed, shade structures, footpath / boardwalk)

With respect to the "water park" (splash pad, waterslides and associated infrastructure), the consent authority notes this permit is issued for the use of this areas as '*provision of recreation facilities for the use of occupants of the caravan park and their visitors*'. Further consent (*Planning Act 1999*) will be required should the land owner wish to operate this area in a manner consistent with the NTPS2020 definition of "leisure and recreation".

Requirement 8 is that - *Internal access ways are sealed or dust suppressed with a carriageway width not less than 6m for two-way traffic and not less than 4m for one-way traffic.*

The works associated with the water park will not impact on existing vehicle access (driveways are sealed and dimensions

comply). The driveways associated with the new cabins will be sealed, however the width of a section of the driveway at the entrance to the new cabin area will remain at ~4.3m wide (instead of the minimum 6m). *Planning Act 1999* approval has not previously been issued for this reduced width and DP96/0725 (unpowered sites) showed access further to the south (adjacent to the playground).

The reduced driveway width has been in place for several years and the driveway also provides access to the star gazing area and (unapproved) Sunset Hill area. The arrangements are considered to be suitable, noting that there are clear sightlines for drivers, wayfinding signage in place and the driveway is not for through traffic. The retaining walls/boulders, footpath and garbage bin enclosure also constrain the ability for compliant dimensions to be achieved.

Requirement 12(d) is that – *individual cabin sites are a minimum of 100m<sup>2</sup> for each cabin, with a frontage of at least 10m to any internal access ways.*

Updated drawings are required to demonstrate that each cabin site will comply with the minimum dimension (m<sup>2</sup> and frontage) requirements of this sub-clause. The consent authority notes it is the applicants intention to fully comply with this sub-clause.

Requirement 12(e) is that – *individual cabin sites are clearly delineated and separated from adjoining sites by trees or landscaping.*

The drawings (publicly exhibited) show fencing will be provided to the north side of proposed Cabins 1 to 7; and south side of proposed Cabins 8 to 14. Some of the existing landscaping separating the campsites will be removed. Further information (updated / detailed landscaping drawing) is required to show fencing/landscaping arrangements between the new cabins.

The purpose of Clause 5.5.13 is to – *ensure that the design, scale and operation of a caravan park provides a high level of amenity to residents and is appropriate to the site to minimise adverse impact on the amenity of adjoining or nearby residential areas and road network.*

The new works on the site will be setback significantly from all property boundaries and will add to the amenity of staff and guests/occupants of the site. Subject to visitor car parking being appropriately managed, impact on the amenity of adjoining or nearby land is expected to be no greater than anticipated for a Zone TC (Tourist Commercial) site.

3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The physical characteristics of the land are considered suitable for the proposed development and use. Works will not be located on those parts of the site that are flood liable (1% AEP Todd River event), minimal excavation or filling of the site will be required and there will be no works near boundaries of adjacent privately owned land. The conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of dust, noise during construction. Storm water drainage arrangements and any works or use of the Palm Place road reserve will require Alice Springs Town Council approval.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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:

Technical comments received from the Power and Water Corporation have indicated that upgrades to electricity and water services will be required (as part of works approved as part of this permit). Works (eg: services upgrades / connections) will be required within the road reserve that is controlled by the Alice Springs Town Council.

The conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site; and
- The NTPS 2020 objectives and development performance criteria relating to access, works within road reserves and the connection to and upgrading of services/infrastructure will be complied with.

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to the development complying with the permit conditions and advisory notes, the proposed development and use is expected to provide a good level of amenity to the future occupants of the premises without intrusion into the acoustic and visual amenity of adjacent and nearby land.

5. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to

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take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. There are no declared heritage places on the subject site. The Aboriginal Areas Protection Authority has recommended that the land owner obtain an Authority Certificate prior to undertaking any works on the site, an advisory note to this effect is included on the permit..

6. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Consent and Development Permit

**ITEM 3**                    **ALFRESCO DINING AREA (INCLUDING SHADE STRUCTURE) ADDITION TO**  
**PA2023/0338**            **FOOD PREMISES-CAFE / TAKE AWAY**  
                                 **LOT 11039 (11) PRICE STREET, CICCONE, TOWN OF ALICE SPRINGS**  
**APPLICANT**            **BLUEDUST SOLUTIONS ATF THE BLUEDUST UNIT TRUST**

**ACTION:** Application withdrawn at request of applicant.

**ITEM 4**                    **CHANGE OF USE FROM DWELLING-MULTIPLE TO A HOTEL/MOTEL (50**  
**PA2024/0235**            **GUEST SUITES) WITH ANCILLARY DWELLING-CARETAKERS RESIDENCE**  
                                 **LOT 9303 (119) GAP ROAD, THE GAP, TOWN OF ALICE SPRINGS**  
**APPLICANT**            **JAMES THOMAS**

Attended in person: Applicant: Sahaj Preet (Family Income and Properties Pty Ltd).

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clauses 3.6  
**51/24**                    (Land Subject to Flooding), 5.2.4.1 (Car Parking Spaces), 5.2.4.4 (Layout of car  
                                 parking areas), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary  
                                 Structures) and 5.4.12 (Dwelling-Caretakers) of the Northern Territory Planning  
                                 Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent  
                                 to the application to develop Lot 9303 (119) Gap Road, The Gap, Town of Alice  
                                 Springs for the purpose of change of use from dwelling-multiple to a  
                                 hotel/motel (50 guest suites) with ancillary dwelling-caretakers, 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.

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2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
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. 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.
5. The kerb crossovers 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.
6. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - a. constructed;
  - b. properly formed to such levels that they can be used in accordance with the plans;
  - c. surfaced with an all-weather-seal coat;
  - d. drained;
  - e. line marked to indicate each car space and all access lanes; and
  - f. clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority.Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
7. The owner shall:
  - a. remove disused vehicle and/ or pedestrian crossovers;
  - b. provide footpaths/cycleways;
  - c. collect stormwater and discharge it to the drainage network; and
  - d. undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
8. 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 requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Upon completion of any works within or impacting upon existing road reserves, the infrastructure within the road reserve shall be rehabilitated to the standards and requirements of the Alice Springs Town Council and returned to the condition as documented in the dilapidation report.

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10. Storage for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
11. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Gap Road traffic.
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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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 pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
14. 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.
15. 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 [waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au) and Power Network Engineering Section [powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. Any proposed works on/over Alice Springs Town Council property shall be subject to separate application to Alice Springs Town Council s and shall be carried out to the requirements and satisfaction of Town of Alice Springs.
3. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the Building Act 1993, the Public and Environmental Health Act 2011 and the Food Act 2004.
4. 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.



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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 8936 4070 to determine if the proposed works are subject to the Act.

5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.

### 9. REASONS FOR THE DECISION

1. Pursuant to section 51(1)(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 NT Planning Scheme 2020 applies to the land and a change of use from dwelling multiple to a hotel/motel (50 guest suites) with ancillary dwelling-caretakers requires consent under Clause 1.8 (When development consent is required). It is identified as *Impact Assessable* under Clause 1.8.1(c)(v), therefore the strategic framework (Part 2 of the Scheme, including the Alice Springs Regional Land Use Plan (ASRLUP), which is relevant to this application), zone purpose and outcomes of Clause 4.13 Zone TC (Tourist Commercial), and Clauses 3.6 (Land Subject to Flooding), 5.2.1 (General Height Control), 5.2.4 (Car Parking), 5.2.5 (Loading Bays), 5.2.6 (Landscaping), 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR), 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC), 5.4.3 (Building Setbacks for Residential Buildings and Ancillary Structures), 5.5.3 (General Building and Site Design), 5.5.4 (Expansion of Existing Development in Zones CB, C, SC and TC), 5.4.1 (Residential Density) 5.4.12 (Dwelling-Caretakers), need to be considered.

The proposal is found to comply with the Alice Springs Regional Land Use Plan in that the proposed primary use is a hotel/motel within land identified for tourism use. The hotel/motel use is likely to compliment the intended zone by providing accommodation option to tourist. Additionally, the proposed development, which has been identified as being within the Land Subject to Flooding overlay does not increase in intensity.

The proposal meets the Zone TC (Tourist Commercial) purpose in that it will facilitate residential development that caters for the needs of visitors and is of a scale and character compatible with surrounding developments. The application proposes a change of use from an *Impact Assessable* residential use (*Dwelling-Multiple*) to a *Merit Assessable* residential use (*hotel/motel*) and therefore considered more appropriate to the zone.

Relevant clauses from Part 5 of the Planning Scheme have been considered and it is found that the proposal complies with these requirements with the exception to Clauses 3.6 (Land Subject to Flooding), 5.2.4.1 (Car Parking Spaces), 5.2.4.4 (Layout of Car Parking Areas), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.12 (Dwelling-Caretakers).

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
  - a) The purpose and administration clauses of the requirement; and
  - b) The considerations listed under Clause 1.10(3) or 1.10(4).

Clauses 3.6 (Land Subject to Flooding)

The proposal has been found not to be in accordance with Clause Clauses 3.6 (Land Subject to Flooding), because the proposal will result in a “habitable room” being below the flood level for the site.

It is considered that a variation to this clause is appropriate in this instance because the proposal is consistent with the purpose of Clause 3.6 in that the proposal does not increase the number of rooms and as such is not expected to increase the risk to people associated with the development and the change of occupants from permanent occupants who are expected to have more property than that of a travelling occupant (hotel/motel guest) is expected to be reduced. As such, it is considered there is a reduction in risk to property.

Administrative-clause 5 allows the consent authority to *consent to a use or development that is not in accordance with sub-clause 6 only if it is satisfied that the application demonstrates that there is no increased risk to people and property including adjoining property, or increased cost to the community.*

A variation to Clause 3.6 is considered appropriate in this instance because the change of use from a *dwelling-multiple* to a *hotel /motel* will increase compliance with Clause 3.6 by decreasing the number of *dwelling*s and subsequently the *habitable rooms* on the ground floor from 31 *dwelling*s to 1 *dwelling*.

5.2.4.1 (Car Parking Spaces)

The proposal has been found not to be in accordance with Clause 5.2.4.1, because the proposal will result in a shortfall of 5 car parking spaces.

It is considered that a variation to this clause is appropriate in this instance because the proposal is consistent with the purpose of Clause 5.2.4.1 in that the proposal proposes sufficient off-street car parking, conveniently located, to service the proposed use of a site by promoting

alternative forms of transport such as cycling and by being located within walking distance of a bus stop.

Administration-clause 2 allows the consent authority to *consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:*

- a) *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;*
- b) *the provision of car parking spaces in the vicinity of the land;*
- c) *the availability of public transport in the vicinity of the land; and*
- d) *the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

*or if the use or development relates to a heritage place and the Minister responsible for the administration of the Heritage Act 2011 supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.*

A variation to Clause 5.2.4.1 to reduce the number of required car parking spaces by 5 is considered appropriate in this instance because the proposed hotel/motel development, which is an anticipated use within Zone TC (Tourist Commercial), is located approximately 550m from the closest bus stop and proposes bicycle storage for 11 bicycles thereby promoting alternative forms of transport. It is considered that 47 car parking spaces combined with the proximity to public transport options and the provision of bicycle storage will reduce the potential impact on the surrounding road network. Because of the above reasons it is considered that the application proposes an adequate number of car parking spaces and no adverse impacts to the amenity of the locality, including the road network, are expected.

#### 5.2.4.4 (Layout of car parking areas)

The proposal does not comply with sub-clause 6 because the car parking area adjacent Walker Street does not provide a 3m setback and landscaping is provided however it is to a depth of 1m and does not extend the full length of car parking area adjacent Walker Street.

Administration-clause 3 allows the consent authority to *consent to a car parking area that is not in accordance with sub-clause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.*

A variation to sub-clause 6 is considered acceptable in this instance because the car parking area adjacent to Walker Street is screened by a solid screen fence that prevents views into the lot from the surrounding locality. As such, is considered unlikely the non-compliance will result in detrimental impacts to the surrounding locality.

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The proposal does not comply with sub-clause 8 because the proposed minimum driveway width for parallel car parking spaces is 3.1m wide where 3.5m is required and the proposed minimum driveway width for 45° angled car parking spaces is approximately 3.6m wide where 3.7 is required.

Administration-clause 4 allows the consent authority to *consent to a car parking area that is not in accordance with sub-clauses 7 and 8 if it is satisfied that the design and construction is safe and functional with regard to the location of the development.*

A variation to sub-clause 8 is considered appropriate in this instance because the one-way traffic flow layout is functional and no safety issues in the way of vehicle pedestrian conflicts has been identified. Further to this, the proposed driveway width where the non-compliances with sub-clause 8 exist was previously approved by DP12/0063A and no changes are proposed to this section of car parking area.

The proposal does not comply with sub-clause 9 because the application proposes a one-way traffic flow driveway with a minimum width of 3m.

Administration-clause 5 allows the consent authority to consent to a car parking area that is not in accordance with sub-clause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.

A variation to sub-clause 9 is appropriate in this instance because the driveway is internal and unlikely result in adverse impacts to the local road network. In addition to this, the application was circulated to transport services and to council who had no concerns with the proposed layout. Regarding the internal functionality, the parking layout where there is a non-compliance to clause 9 is existing and no changes are proposed to this section of car parking. As such, no further detrimental impacts to the internal functionality are expected as a result of this non-compliance.

For the above reasons the proposed car parking layout is also considered to meet the purpose of Clause 5.2.4.4 in that the car parking area is appropriately designed and constructed for its intended purpose and variation is recommended.

### 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)

The proposal does not comply with Clause 5.4.3 because the existing shade structure towards the front of the property has a 1m setback to the primary street boundary (Gap Road) and the existing shed

structure has a nil setback to the secondary street boundary (Walker Street)

It is considered that a variation to this clause for the reduce setback to the primary street boundary is appropriate in this instance because the proposal is consistent with the purpose of Clause 5.4.3 in that the existing shade structure was considered appropriate to the location when it was approved in 2005; the shade structure is setback approximately 14.5m from gap road and 7m from the closest neighbouring residential development and the structure is open and not overly imposing and therefore does not detrimentally contribute to adverse impacts of building massing or prevent breeze penetration.

It is considered that a variation to this clause for the reduce setback to the secondary street boundary is appropriate in this instance because the existing shed is mostly screened by a solid fence along the secondary street boundary and the shed is relatively small and is not considered to be large enough to contribute to building massing or prevent breeze penetration.

Administration-clause 4 allows the consent authority to *consent to a development that is not in accordance with sub-clause 6-8 only if it is satisfied that the reduced setback is consistent with the purpose of this clause and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

The existing structures are consistent with the purpose of Clause 5.4.3 as discussed above and same reasons are considered to be appropriate to the site having regard to such matters as their location, scale and impact on adjoining and nearby property.

#### 5.4.12 (Dwelling-Caretakers)

The proposal does not comply with Clause 5.4.12 because the application proposes a *dwelling-caretakers* with a floor area of 105m<sup>2</sup>.

It is considered that a variation to this clause is appropriate in this instance because the proposal is consistent with the purpose of Clause 5.4.12 in that the dwelling-caretakers is considered necessary to support the primary use of the site as a hotel/motel. The proposed dwelling-caretakers is a residential use and ancillary to another residential use and as such is unlikely to be detrimentally impactful on the site or adjoining land.

Administration-clause 1 allows the consent authority to *consent to a dwelling-caretakers that is not in accordance with sub-clauses 3 and 4 only if it is satisfied it is consistent with the purpose of this clause and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, scale and impact on adjoining and nearby property.*

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The proposed ancillary dwelling-caretakers is consistent with the purpose of Clause 5.4.12 as discussed above; is considered consistent with the Zone TC (Tourist Commercial) zone purpose and outcomes in that it supports the primary use of hotel/motel that provides accommodation for tourist and is a residential use, surrounded by other residential uses and therefore unlikely to impact detrimentally on surrounding uses.

The considerations listed under Clause 1.10(4) have been given regard to and it has been found that the proposal complies with all relevant requirements of the NT Planning Scheme 2020, except for Clauses 3.6 (Land Subject to Flooding), 5.2.4.1 (Car Parking Spaces), 5.2.4.4 (Layout of car parking areas), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and 5.4.12 (Dwelling-Caretakers) as identified above.

3. Pursuant to section 51(1)(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 application is for the change of use of an existing structure; no physical changes have been proposed and as such the land is considered capable of supporting the proposed use.

4. Pursuant to section 51(1)(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 application proposes the change of current use (*dwelling-multiple*) which is shown as *impact assessable* in the Zone TC zone table to a use (*hotel/motel*) which is shown as *merit assessable* in the Zone TC zone table. No physical changes are being proposed to the existing development, there is no increase in dwellings or bedrooms and the development is located on a lot surrounded by other residential uses. For these reasons, detrimental impacts to amenity are not expected as result of this development.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Consent and Development Permit

**ITEM 5  
PA2024/0116**

**RECONSIDERATION - CHANGES TO THE DEVELOPMENT APPROVED BY  
DP21/0340 (AS VARIED) FOR THE PURPOSE OF ALTERATIONS TO DESIGN  
AND CAPACITY OF CHILD CARE CENTRE  
LOT 9914 (127) TODD STREET, TOWN OF ALICE SPRINGS**

**APPLICANT**

**SUSAN DUGDALE & ASSOCIATES**

## Alice Springs DCA Meeting No 288 – Wednesday 11 December 2024

Attended in person: Applicant: Susan Dugdale (Susan Dugdale & Associates), Simon Duke (Project Manager, Central Australian Aboriginal Congress)

Simon Duke tabled letter from David Busuttill (General Manager Business Services) re: the subdivision approved by DP21/0341 not proceeding.

### RESOLVED 52/24

That, the Development Consent Authority vary the requirements of Clause 5.2.4.1 (Car Parking Spaces), Clause 5.2.4.4 (Layout of Car Parking Spaces) and Clause 5.5.7 (Child Care Centre) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the Planning Act 1999, consent to the application to develop part of Lot 9914, (127) Todd Street, Town of Alice Springs for the purpose of a child care centre in a single storey building, subject to the following conditions:

### CONDITION PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the drawings (dated October 2024) included with the deferral response material that formed part of Bookmark C of the agenda report for the 11/12/2024 DCA meeting, but modified to show/demonstrate:
  - a) Fence details (locations, building materials and height) for the Leichhardt Terrace, Todd Street and north boundaries of the site relevant to the child care centre and associated car parking areas and driveways.
  - b) Surface treatment of car parking area and driveway that is accessed from Todd Street
  - c) location of waste bin storage area (for child care centre) labelled on drawings
  - d) 7 of the car parking spaces in the car parking area for the child care centre available for parental drop off and collection of children
  - e) Wheel stops to car parking spaces / bollards or similar to protect pedestrian (visitor / children) path of travel to entrance of child care centre
  - f) updated landscaping drawing generally in accordance with the detail shown on the October 2024 drawings (Design Ink & Susan Dugdale & Associates), but updated to show:
    - i. additional planting adjacent to car parking and associated driveway areas (Todd Street and Leichhardt Terrace):
    - ii. details of larger plants being retained.
    - iii. surface treatments and use of areas that are not car parking areas, driveways, children's play areas or planted.
    - iv. plant species for all new landscaping associated with works approved by this permit (species should be native to the Central Australian region)



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Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Lands, Planning and Environment, C/- Alice Springs Branch via email to [das.ntg@nt.gov.au](mailto:das.ntg@nt.gov.au)

### GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. 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) properly formed to such levels that they can be used in accordance with the plans;
  - c) surfaced with an all-weather-seal coat;
  - d) drained;
  - e) line marked to indicate each car space and all access lanes; and
  - f) clearly marked to show the direction of traffic along access lanes and driveways to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
4. “No entry/no exit” and “passenger drop off” (or similar) 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.

10. 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 endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2 and 3 for further information.
11. 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 the NT Fire and Rescue Service.
12. All works recommended by the Traffic Impact Statement are to be completed to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
13. The kerb crossovers 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.
14. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street, in accordance with the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.
15. The owner shall:
  - a) remove disused vehicle and/ or pedestrian crossovers;
  - b) provide footpaths/ cycleways;
  - c) collect stormwater and discharge it to the drainage network; and
  - d) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
16. 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.
17. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.
18. 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.

NOTES:

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1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
3. 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/buildersdesigners.html>
4. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any demolition or construction works.
5. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
6. 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.
7. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
9. The Department of Lands, Planning and Environment advises that construction work should be conducted in accordance with the Authority's

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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.

10. 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/wastepollution/guidelines/guidelines>

### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 2020 (NTPS2020) applies to the land which is zoned TC (Tourist Commercial).

It is noted that Development Permit DP21/0340 approved three “primary uses” for the site (office, medical clinic and child care centre). As the land is within Zone TC, ‘child care centre’ is listed as an Impact Assessable land use in the zone.

The applicant has indicated that Development Application PA2024/0116 seeks an approval with conditions independent of DP21/0340 (as varied), consent for any changes to works forming part of the office, medical clinic and NDIS activity centre will need to be sought via a separate application.

Section 51(1) of the *Planning Act 1999* lists the matters the Development Consent Authority must, in considering a development application, take into account. However, under section 51(3) - when considering a development application under subsection 51(1), the consent authority must apply the relevant considerations to only those components of the development that triggered the requirement for consent under the planning scheme.

Therefore, pursuant to sub-clause 4 of Clause 1.10, the Development Consent Authority, in considering the application, must take into account all of the following:

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

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- c) the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and
- d) any component of the Strategic Framework relevant to the land as set out in Part 2

The land is zoned TC (Tourist Commercial) – ‘childcare centre’ as a primary land use is not encouraged in the zone (Outcomes 1, 2 and 3), however, this was previously approved by DP21/0340 and the proposed changes to the development and land use is consistent with the Alice Springs Regional Land Use Plan 2016 and the Central Alice Springs Area Plan 2019.

The changes to the design of the child care centre that was approved as part of Development Permit DP21/0340 create further non-compliances with:

- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.5.7 (Child Care Centre) of the NT Planning Scheme 2020.

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

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

i. Clause 5.2.4.1 (Car Parking Spaces)

The drawings considered by the Development Consent Authority in 2021 (at December 2021 meeting, prior to DP21/0340 being issued) were assessed as generating a requirement for 95 car parking spaces. DP21/0340 granted a waiver of 22 spaces (73 spaces shown on exhibited drawings). The site plan endorsed as part of Variation of conditions permit DP21/0340A showed 72 car parking spaces.

The 2024 proposed changes proposed to the capacity (increase in children from 20 to 37) of the childcare centre have resulted in the car parking demand for that use increasing from 3.75 to 5.85 (technical increase of 2 car parking spaces).

The drawings submitted in response to the deferral result in a (further) car parking shortfall for the uses on Lot 9914 will be 2 spaces (non-compliance with sub-clause 4 of Clause 5.2.4.1).

The purpose of Clause 5.2.4.1 is to - ensure that sufficient off-street car parking, constructed to a standard and conveniently located, are provided to service the proposed use of a site. The drawings show that the northern car parking areas on Lot 9914 will provide at least 10 car parking spaces, which will be sufficient to the childcare centre use (6 spaces), the shortfall will technically impact on the office and medical clinic building

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and the NDIS activity centre – changes to that development (site layout) will need to be approved via separate application.

Administratively, sub-clause 2 provides that - the consent authority may consent to a use or development that is not in accordance with sub-clause 4 if it is satisfied a reduction of the number of car parking spaces is appropriate with regard to:

*(a) 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 Development Consent Authority notes that:

- The land is Zoned TC (Tourist Commercial)
- The office and medical clinic building approved by DP21/0340 is under construction
- Any future change of use of the site is likely to require *Planning Act 1999* consent

*(b) The provision of car parking spaces in the vicinity of the land;*

The Development Consent Authority notes that:

### Todd Street

No street car parking is available immediately in front of the site, spaces in the road reserve in front of 119 Todd Street (Lot 902) are used by Lings Supermarket. At least one car parking space will need to be deleted to upgrade the driveway.

### Stuart Terrace

The large car park within the road reserve has historically been used as overflow parking for the hospital, Memo Club (Lot 9914) and Melanka site (Lot 7923).

### Leichhardt Terrace

There are several parallel spaces on the east side of Leichhardt Terrace (within road reserve).

### Gap Road

There are ~14 car parking spaces within the Gap Road service lane (south west side of Gap Road – opposite Lot 9914).

*(c) the availability of public transport in the vicinity of the land; and*

The Development Consent Authority notes that - Limited public transport is available – nearest bust stop is in Stuart Terrace. Central Australian Aboriginal Congress have a large number of fleet vehicles which may be used by staff and for collection and dropping off of clients to the site.

*(d) the potential impact on the surrounding road network and the amenity of the locality and adjoining property;*

The car parking spaces accessed of Leichhardt Terrace will only be available to staff of the childcare centre. The applicant has provided an updated Traffic Impact Statement for the (updated) design and technical comments received from the Alice Springs Town Council did not identify any opposition to the proposal other than to include standard conditions on a development permit.

The subject site is not located within the policy boundary area of the Alice Springs Town Council Parking Contribution Plan 2009, therefore “contribution towards car parking) (section 70 of *Planning Act 1999* is not applicable to the development.

(ii) Clause 5.2.4.4 (Layout of Car Parking Spaces)

The purpose of Clause 5.2.4.4 is to - ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose. The proposal:

- shows the required amount of car parking spaces (to taker for a child care centre) within the drawings which will be located within a parking area primarily accessed off Traeger Avenue, and the Gap Road “service lane”.
- Includes a Traffic Impact Statement prepared specifically for the site/proposed land use and updated in response to a DCA deferral).

Assessment of the application and response to the deferral has identified the following areas of non-compliance with the childcare centre car parking areas (north end of Lot 9914).

Sub-clause 6 of Clause 5.2.4.4 specifies that - a car parking area is to:

- (a) be not less than 3m from any lot boundary abutting a road; and
- (b) provide landscaping to the setback area to a minimum depth of 3m immediately adjacent to any lot boundary abutting a road, using species designed to lessen the visual impact of the car parking area when viewed from the road.

The submitted drawings do not show landscaping along the street frontages. The reduced setback distance to the Todd Street boundary was previously approved by DP21/0340. The submitted drawings do not include dimensions. The SDA drawings propose a 0.0m setback and no landscaping to Leichhardt Terrace and the solid metal fence will be retained.

It is noted that the design of the car parking for the child care centre allows for greater connectivity to Gap Road for pedestrians. The setbacks and landscaping depths of the new upgraded car parking area will be similar to those of existing arrangements on the site.

Administratively, sub-clause 3 of Clause 5.2.4.4 provides that - the consent authority may consent to a car parking area that is not in



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accordance with subclause 6 if it is satisfied that the non-compliance will not unreasonably impact on the amenity of the surrounding locality.

A variation to sub-clause 6 is supported as - a existing 1.8m high solid metal fence will screen the Leichhardt Terrace car parking area from public view. a updated drawing is required to show existing and proposed landscaping to the Todd Street frontage of the site.

Sub-clause 9 of Clause 5.2.4.4 specifies that - *.....the number of access points to the road are to be limited.*

The application proposes changes to the design of a child care centre that will have access to:

- Todd Street - widening crossover to Council managed carriageway and upgrading of car parking area on Lot 9914 to improve manoeuvring dimensions and disability access for parent drop off and visitors.
- Leichhardt Terrace – retention of vehicle crossover (entry and exit) at the north east corner of Lot 9914 that will be used for staff vehicles.

Administratively, sub-clause 5 of Clause 5.2.4.4 provides that - *the consent authority may consent to a car parking area that is not in accordance with subclause 9 if it is satisfied that the non-compliance will not result in adverse impacts on the local road network or internal functionality of the car parking area.*

A variation to sub-clause 9 is supported as:

- The application (and updates responding to the deferral) included a Traffic Impact Statement supporting the proposed design.
- the application was referred to the Alice Springs Town Council (controlling agency for all affected road reserves) and no objections in principle were identified with regards to the position and associated width of the driveway access. Standard conditions relating to vehicle crossovers and sightlines are included on the permit to protect Councils interests.
- It is anticipated that persons utilising the car parking areas will be familiar with the layout and manoeuvring arrangements for car parking spaces. The car parking area contains disability compliant car parking spaces and sufficient manoeuvring dimensions within the internal driveway;

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

The application (as amended) identified that the development:

- Will provide additional child care options for the Alice Springs community

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- Is for provision of child care services, on a site that is in close proximity to medical and other community services in a building that is being significantly upgraded
  - design (site layout, floor plan, car parking etc) was prepared following consultation with staff, clients and the NT Government child care licencing division have commented on the design
7. Pursuant to section 51(1)(j) of the Planning Act 1999, the Development Consent Authority must, in considering a development application, take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.

The physical characteristics of the land are considered suitable for the proposed development of the child care centre. The Environment Division of the Department of Lands, Planning and Environment did not raise any objections to the amended design. Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management noise during construction and address Alice Springs Town Council's requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

8. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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 and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply and sewerage services that apply to the development on the site; and
  - The NTPS2020 objectives and development performance criteria relating to access, works within road reserves and the provision of services/infrastructure will be complied with.
9. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. Subject to the development complying with the permit conditions and advisory notes relevant to vehicle access, the operation of proposed development and use is unlikely to have an unreasonable amenity impact on the surrounding area given its location in a Zone TC area and screening from adjacent properties.
10. Pursuant to section 51(1)(p)(iii) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required

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to take into account how access for persons with disabilities are provided for in the application. The building floor plan, car parking layout, site levels and pathways have all been designed specifically to accommodate for persons with mobility impairments or other disabilities.

11. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The assessment of the application did not identify and declared natural or heritage values relevant to the location of works on the subject site. Works associated with the child care centre will be undertaken on parts of the site that are not impacted by the AAPA Authority Certificate issued for the culturally significant tree on the land.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Consent and Development Permit

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

**SUZANNE PHILIP**

Chair

19 December 2024