



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

#### **MINUTES**

**MEETING No. 162 – WEDNESDAY 12 SEPTEMBER 2012**

**CROWNE PLAZA ALICE SPRINGS  
BARRETT DRIVE**

**MEMBERS PRESENT:** Peter McQueen, Brendan Heenan, John McBride, Geoff Booth (not present for the deliberation of Item 3) and David Koch

**APOLOGIES:** None

**OFFICERS PRESENT:** Peter Somerville, Ben Taylor, Fraser Cormack, Malcolm MacDonald, Perlie-Anne Mabasa and Kirra Morgan

**COUNCIL REPRESENTATIVE:** Mark Pierson

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

**THE MINUTES OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.**

**ITEM 1                    DEVELOPMENT – LOT 9467, 5 WHITTAKER STREET, TOWN OF ALICE SPRINGS  
COMMERCIAL DEVELOPMENT COMPRISING LIGHT INDUSTRY, WAREHOUSE, OFFICES , SHOWROOM AND CARETAKER'S RESIDENCE IN 1 X 1 STOREY BUILDING (INCLUDING MEZZANINES)  
STEVEN ADLER**

Steven Adler and Marc Woods attended the meeting in support of the application.

**RESOLVED**            That, the Development Consent Authority vary the requirements of Clause 2.4.2(k)(iv) (Building Setbacks for Zone SA3), Clause 2.4.4 (Landscaping for Zone SA3), Clause 6.5.3(g) (Parking Layout) and Clause 7.10.3.2(a) (Caretaker's Residence) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9467 (5) Whittaker Street, Town of Alice Springs for the purpose of showroom, light industry and warehouse uses and a caretaker's residence, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered PA12/0529/1, PA12/0529/2, PA12/0529/3, PA12/0529/4, PA12/0529/5, PA12/0529/6 and PA12/0529/7 (as prepared by Steve Adler Building Design numbered A01, A02, A03, A04, A05, A06 and A07 (Job Number 1175, Issue 4, dated 31 August 2012) and endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity services and fire fighting infrastructure to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
3. Any development works 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. The kerb crossings and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
6. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of, and at no cost to,

Alice Springs Town Council to the satisfaction of the consent authority.

7. The area set aside for the parking of vehicles 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, all access lanes and driveways; to the satisfaction of the consent authority. Car spaces, driveways and loading bays must be kept available for these purposes at all times.
8. Protective kerbs (of a minimum height of 150mm), wheel-stops or bollards must be provided to the satisfaction of the consent authority to prevent damage to landscaped areas.
9. A 'No Entry' sign shall be provided for the one-way section of driveway adjacent to the western boundary of the lot. Arrows directing the internal traffic movement on site shall be provided and maintained to the satisfaction of the consent authority.
10. The landscaping shown on the endorsed plans must be established and maintained generally in accordance with plans endorsed as part of this development permit, to the satisfaction of the consent authority.

#### NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals have been obtained before commencing demolition or construction works.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

#### REASONS FOR DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is considered to constitute a satisfactory response to relevant objectives and provisions of the NT Planning Scheme (the Planning Scheme) as it relates to the land.
2. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable

basis for supporting the requested variations to clause 2.4.2(k) as it applies to Zone SA3, including:

- (a) the development provides generous building setbacks to the main building from both street frontages which will assist in maintaining views through to the MacDonnell Ranges from Whittaker Street;
  - (b) the proposed carport structure to the eastern side of the site in conjunction with adjacent landscaping is expected to create visual interest and assist in ensuring a level of visual amenity appropriate to the location;
  - (c) the proposed carport structures are expected to assist in providing a high level of amenity for customers and staff; and
  - (d) approving the proposed development is not expected to frustrate the purpose of clause 2.4.2(k) of the Planning Scheme as it relates to Zone SA3.
3. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variation to clause 2.4.3 as it applies to Zone SA3, including:
- (a) the proposed landscaping is located predominantly between the building and the street frontages and is expected to assist in ensuring that the level of visual amenity is appropriate to the locality;
  - (b) the proposed landscaping is compatible in quality and expected effect to that provided within established developments within the Western Area; and
  - (c) approving the proposed development is not expected to frustrate the purpose of clause 2.4.3 of the Planning Scheme as it relates to Zone SA3.
4. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variation to clause 6.5.3(g) of the Planning Scheme, including:
- (a) the proposed landscaping is expected to meet the purpose of lessening the visual impact of the car parking area;
  - (b) the proposed landscaping is compatible in quality and expected effect to that provided within established developments within the 'Western Area'; and
  - (c) approving the proposed development is not expected to frustrate the purpose of clause 6.5.3(g) of the Planning Scheme.
5. The proposed floor area of the caretaker's residence is considered to be of a scale commensurate with the proposed use and that may reasonably be considered ancillary to the proposed primary uses of the land.
6. Pursuant to section 51(h) of the Planning Act, in considering a development application the consent authority must take into consideration the merits of the proposal. The proposal is considered to have merit, including that:
- (a) it is considered to respond positively to the objectives of the Western Area Plan, Zone SA3 and relevant provisions under Part 4 of the Planning Scheme;
  - (b) demonstrate due regard to the visual prominence of the site, landscaping predominantly adjacent to the street frontage, providing architectural embellishments and articulation building facades;

- (c) substantial building setbacks to the street frontages will assist in preserving some views from Whittaker Street towards the MacDonnell Ranges to the south;
  - (d) the development is expected to be compatible in scale, form and quality, with established development within the Western Area; and
  - (e) the development is of a nature that may be expected to readily facilitate long-term future redevelopment of the land as part of an extension of the Central Business Areas if such expansion is required in the future.
7. The development, as approved is considered to be appropriate to Zone SA3 and to respond satisfactorily to relevant provisions of the Planning Scheme and the conditions of approval are expected to assist in ensuring the orderly servicing and development of the property.

**ACTION:**

DAS to prepare a Notice of Consent and Development Permit

**ITEM 2                    DEVELOPMENT – LOT 9015, 7 SHIRLEY COURT, SUBURB OF CICCONE,  
TOWN OF ALICE SPRINGS  
2 X LIGHT INDUSTRY TENANCIES WITH MEZZANINE LEVELS  
ROBERT AND ANNE BOYCE**

Mr Simon Pettit of Zone A Pty Ltd attended the meeting on behalf of the applicant.

**RESOLVED  
0073/12**

That, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9015, 7 Shirley Court, Town of Alice Springs for the purpose of 2 x Light Industry tenancies with mezzanine levels, subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Any 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.
3. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
  - (a) transport of materials, goods or commodities to or from the land;
  - (b) appearance of any building, works or materials;
  - (c) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
  - (d) presence of vermin
4. Before the use or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:

- (a) constructed;
- (b) 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 spaces, access lanes and driveways must be kept available for these purposes at all times.

5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street.
6. 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.
7. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land).
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Storm water (associated with works approved by this permit) is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council to the satisfaction of the consent authority.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
11. Before the development starts, a landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and two copies must be provided. The landscaping plan must be generally in accordance with the landscape concept plan dated August 2012 (drawing CSFP03) prepared by Zone A Pty Ltd, except that the plan must also show:
  - (a) plant species that are native to the central Australian region (no tropical plants);
  - (b) details of surface finishes of pathways and driveways;
  - (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
  - (d) canopy trees (minimum four metres tall once established) in a spacing of

one tree every ~10m along the Shirley Court frontage of the site; and  
(e) provision of an in ground irrigation system to all landscaped areas.  
All species selected must be to the satisfaction of the consent authority.

12. 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.
13. 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. 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.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. The Department of Natural Resources, Environment, The Arts and Sport (NRETAS) advises that construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the form of development expected within Zone LI (Light Industry) of the NT Planning Scheme as the design (as amended) will incorporate landscaping, building materials and colours that will enhance the visual appearance of the

development.

2. Subject to the receipt of adequately detailed landscaping drawings, a variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for a reduced landscaping buffer between the property boundary and the buildings and car parking areas as the landscaping once established is expected to satisfactorily respond to the relevant objectives of the NT Planning Scheme.
3. The variations granted to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.
4. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the site.

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

**ITEM 3                    VARIATION – LOT 138, 51 BATH STREET, TOWN OF ALICE SPRINGS  
SEVEN TWO STORY TOWNHOUSES WITH TWO CAR GARAGES  
ANDREW MALONEY**

Mr Geoff Booth, a member of the Development Consent Authority declared an interest pursuant to section 97(1) of the *Planning Act*, and absented himself from the meeting for the deliberation of this item.

Mr Andrew Maloney and Mr Tuong Phan attended the meeting in support of the application.

**RESOLVED**                    That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent  
**0074/12**                    Authority defer consideration of the application to vary DP10/0529 to require  
the applicant to provide the following additional information that the authority  
considers necessary to enable proper consideration of the application:

- Submission of design options for additional improved screening of air conditioning units; and
- Provision of natural light to ground floor bedrooms of each dwelling.

**ACTION:** Advice to Applicant



**RESOLVED  
0075/12**

That Development Consent Authority write to the Director of Building Control requesting him to investigate the issue of a Building Permit for the multiple dwellings under construction at Lot 138, 51 Bath Street, Town of Alice Springs, with plans that are considerably different to the design approved by Development Permit DP10/0529.

**ACTION:** DAS to prepare a letter.

**ITEM 4**

**DEVELOPMENT – LOTS 902, 903, 910 & 911, 119 & 113 TODD STREET AND 21 AND 22 LEICHHARDT TERRACE, TOWN OF ALICE SPRINGS  
CONVERSION OF EXISTING SERVICED APARTMENTS TO MULTIPLE DWELLINGS AND ADDITION OF 18 X 1 BEDROOM MULTIPLE DWELLINGS TO AN EXISTING MIXED USE DEVELOPMENT.  
ETHAN PROPERTY GROUP**

Mr Ashley Fenn (on behalf of the applicant) attended the meeting.

**RESOLVED  
0076/12**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), Clause 7.1.1 (Residential Density Limitations), Clause 7.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 meters), Clause 7.5 (Private Open Space), Clause 7.6 (Communal Open Space) and Clause 7.8 (Building Design for Multiple Dwellings) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consents to the proposed development as altered to develop Lots 902 and Lot 903 Todd Street and Lot 910 and Lot 911 Leichhardt Terrace, Town of Alice Springs, for the purpose of multiple dwellings (including retention of 32 existing dwellings and the construction of eighteen (18) additional single bedroom dwellings), retention of existing shops and restaurant and extensions (alfresco dining area) to an existing restaurant, subject to the following conditions:

**CONDITIONS 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 two copies must be provided. The plans must be generally in accordance with the plans identified as Revision 2, submitted on 10 September 2012 and prepared by Ethan Affordable Housing, but modified to show:
  - (a) landscaping details for the site including:
    - a survey (including botanical names) of all existing vegetation to be retained and/or removed;
    - details of surface finishes of pathways and driveways;
    - a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;
    - landscaping and planting within all open areas of the site; and

- provision of an in ground irrigation system to all landscaped areas.
- All plant species should be selected with due regard to the objectives and criteria contained in Clause 6.12 (Landscaping) and Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation) of the NT Planning Scheme;
- (b) Full details of fencing for the site, including internal and perimeter fencing and pedestrian and vehicle gates (details to include height, colour, materials and type). Fencing adjacent to the Leichhardt Terrace property boundary must include suitable 'open' (visually permeable) type fencing between the two vehicle egress gates (noting that screen fencing may be provided adjacent to the proposed 'drying court');
  - (c) Details of proposed garbage bin storage areas;
  - (d) Details of proposed clothes drying areas and facilities;
  - (e) Details of location and size of all air conditioning condensers to the 18 new dwellings, such that they are appropriately screened from public view and located so as to minimise thermal and acoustic impacts on neighbouring properties;
  - (f) The number and locations of dwellings to be designed specifically to meet the needs of persons with a disability;
  - (g) Location of the proposed swimming pool in a position that is acceptable to the Power and Water Corporation; and
  - (h) A car parking layout that provides access and egress to Todd Street; includes provision of no less than 58 on-site car parking spaces (including at least one bay designed for persons with disability); details direction of traffic flow, minimum width dimensions of driveways and car parking spaces; details proposed protective kerbs, wheel stops, bollards and/or similar devices positioned to reasonably ensure appropriate separation between pedestrian areas and parking areas and to protect landscaping; and demonstrably complies with Clause 6.5.3 of the NT Planning Scheme (except to allow a variation to Clause 6.5.3(g) to allow a suitably landscaped strip of approximately 1.2 metre width instead of a minimum of 3 metres; and to Clause 6.5.3(i) to allow driveways to be 'pinched' to a minimum of 5 metres where the pinched areas do not abut car parking spaces and the consent authority is satisfied that the layout will be functional).
2. The approved multiple dwelling use must not commence prior to the endorsement of a management plan for the multiple dwelling development, by the consent authority. A management plan must be submitted to the consent authority for endorsement as part of this development permit. The management plan must include:
    - (a) Procedures to manage responses to flood events;
    - (b) Procedures to receive and address complaints, including the name and contact details of the on-site resident manager (or other nominated person); and
    - (c) System/s to record complaints received and actions undertaken.

## GENERAL CONDITIONS

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

4. 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.
5. Air conditioning condensers to the 18 new dwellings are to be located in accordance with the endorsed plans and appropriately screened from public view. Condensate is to be disposed of to ground level in a controlled manner. This condition is to the satisfaction of the consent authority.
6. A minimum of 58 on-site car parking spaces must be provided on the site.
7. Before the use or occupation of the new dwellings commences, 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; andto the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
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.
9. Protective kerbs, wheel stops, bollards and/or similar devices must be provided (and maintained) in accordance with the endorsed plans, to the satisfaction of the consent authority.
10. 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.
11. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of and at no cost to Alice Springs Town Council to the satisfaction of the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
13. 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.
14. The landscaping shown on the endorsed plans must be established and maintained to the satisfaction of the consent authority generally in accordance with the approved landscaping plan.

15. The finished floor levels of each of the 18 new dwellings must be no lower than 576.55 metres Australian Height Datum (which is 300mm above the applicable flood level for the property) and no higher than 576.75 metres AHD.
16. An Occupancy Permit under the Building Act must not be issued until Lots 902, 903, 910 and 911, Town of Alice Springs have been consolidated and a new title issued for the consolidated lot.
17. Pursuant to section 34 of the *Land Title Act*, a Caution Notice shall be lodged with the Registrar General on the title of Lots 902, 903, 910 and 911 (or subsequent parcel number after consolidation). The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP flood event". Evidence of lodgement/registration on the parcel shall be provided to the satisfaction of the consent authority.
18. The residential buildings must be managed in accordance with the management plan endorsed by the consent authority as part of this development permit.

## 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. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the NRETAS Noise guidelines for development sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of

Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development, as approved, is an extension of an established mixed use development which is considered to be appropriate to Zone TC (Tourist Commercial) under the NT Planning Scheme. The established dwellings on the site have previously been approved for motel/cluster dwelling use. The design provides the potential for a future change of use from multiple dwellings to motel, with consent. The proposed alfresco dining (restaurant extension) is a minor extension to the established development on the site and is considered appropriate to the locality.
2. The consent authority, having, in accordance with Section 70(4) of the *Planning Act*, considered the circumstances of the proposed development, matters contained in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and is satisfied that the intent of the Planning Scheme will be fulfilled subject to the provision of a minimum of 58 car parking spaces, despite a listed requirement of 2 parking spaces per multiple dwelling, in the table to Clause 6.5.1 of the NT Planning Scheme. Pursuant to Section 70(3) of the *Act*, the consent authority has determined that 58 car parking spaces are required to be provided. Circumstances supporting the parking requirement determined by the consent authority include:
  - a) proximity of existing public car parking areas, including on-street car parking in the immediate locality;
  - b) small size of dwellings (approximately 30m<sup>2</sup> floor area/dwelling and single bedroom);
  - c) the 32 existing dwellings were approved as dwellings/multiple dwellings and the use is considered akin to 'motel' or 'serviced apartment' use, both having parking requirements of 1 space/apartment;
  - d) conditions and reasons attached to Development Permits DV4702, DP95/0639 and DP95/0645; and
  - e) proximity of the site to employment and entertainment opportunities and access to public transport within the town centre.
3. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme as outlined in Condition Precedent 1 is supported on the grounds that the development (as approved) is expected to meet the objective of the clause.
4. A variation to Clause 7.3.1 (Additional Building Setbacks of Residential Buildings) of the NT Planning Scheme is supported, as adjoining Lot 904 is developed with shops and vehicle sales hire and no adverse impact on the existing or future amenity of that lot or the occupants of the subject dwellings is envisaged on account of the variation.
5. Variations to Clause 7.5 (Private Open Space) and Clause 7.6 (Communal Open Space) of the NT Planning Scheme are supported, as:
  - a) the development includes quality and functional communal open space

- areas (including a recreation area with a swimming pool);
- b) the site is in close proximity to (and within easy walking distance of) the Central Business District of Alice Springs and a range of active and passive recreation opportunities;
  - c) the dwellings are single bedroom and are intended for use primarily as short-term worker accommodation;
  - d) the dwellings are part of a managed accommodation complex and not intended for subsequent unit subdivision; and
  - e) the required provision of open fencing adjacent to part of the Leichhardt Terrace frontage will provide for an additional usable communal space area with views to the adjoining river environment and hills.
8. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal is expected to benefit the local community through the provision of additional residential accommodation.
9. The conditions precedent and conditions of approval are intended to assist in ensuring the orderly servicing, development and management of the property.
10. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. One public submission was received. The matters raised in the submission have been noted by the consent authority.
11. A management plan is necessary to ensure certainty for future occupants and staff that procedures exist for recognising the flood liability of the site, parking allocation arrangements and addressing conduct issues relating to the development.

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

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



**PETER McQUEEN**  
Chairman

21/9/2012