



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 235 – WEDNESDAY 11 JULY 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair), David Koch, Jamie de Brenni,

APOLOGIES: Alistair Feehan, Marli Banks

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:05am and closed at 12:00pm

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 **GARAGE/SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH REDUCED SIDE AND FRONT BOUNDARY SETBACKS**
PA2018/0229 **LOT 3554, 32 ADAMSON AVENUE, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS**
APPLICANT **ANDREW MILLER**

Andrew Miller attended the meeting and spoke further to the application. Warren Lally attended the meeting.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent Authority refuse to consent to the application to develop Lot 3554, 32 Adamson Avenue, Suburb of Gillen, Town of Alice Springs for the purpose of a garage/shed addition to an existing single dwelling with reduced front and side boundary setbacks for the following reasons:

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The subject land is within zone SD (Single Dwelling Residential). The purpose of this zone is to provide single dwellings on individual lots. Ancillary structures such as the one proposed are permitted forms of development subject to compliance with the relevant requirements of the NT Planning Scheme. The proposed shed / garage does not comply with Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

The purpose of Clause 7.3 is to ensure residential buildings and ancillary structures are located so:

- they are compatible with the streetscape and surrounding development including residential buildings on the same site;
- as to minimise any adverse effects of building massing when viewed from adjoining land and the street;
- as to avoid undue overlooking of adjoining properties; and
- as to encourage breeze penetration through and between buildings.

The minimum setbacks required from the primary street frontage for ancillary structures with external walls is 6m (to the wall) and 5.1m (to the eaves). The proposed shed / garage is to be 0.6m (to the wall) at its closest point to the street boundary. The side setback to the western boundary is proposed to be 0.2m (wall) instead of the minimum 1m.

The application has not directly addressed the requirements of Clause 7.3 in detail. Such a significant departure from the minimum standards is considered to negatively impact on the existing and future amenity of the existing residential area:

- the shed / garages relatively large footprint and reduced setbacks will result in building massing when viewed from the street and neighbouring lots
- the site is not constrained by easements or irregularities of parcel boundaries. The original design of the single dwelling on the site included a garage under the main roof of the dwelling.

- A public submission was received, in opposition to the reduced building setbacks.

2. Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the Authority may consent to the development of land that does not meet the standards set out in Parts 4 or 5 if it satisfied that special circumstances justify the giving of consent.

In addressing special circumstances the applicant appears to rely mostly on the infill of the original garage (restricting alternate locations for a shed / garage) and the proposed height and roof pitch of the proposed structure being consistent with the existing carport of the site.

While the applicant's comments are noted there does not appear to be any special circumstances to justify the giving of consent to support such a significant departure from the minimum setback requirements.

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application.

One public submission was received during the exhibition period under Section 49 of the *Planning Act* with respect to the proposal. The owners of Lot 3555 (adjacent property to the west of the subject site) raised a number of concerns regarding the location of the proposed structure on the site and its inconsistency with the existing streetscape and potential conflict with the existing school crossing in the Adamson Avenue road reserve. The submission raised concern in relation to building massing and negative impact on amenity.

In considering the application, the authority has taken into account the information contained in the application, written submissions and the evidence given at the 11/07/2018 Development Consent Authority hearing.

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

It is considered that the proposed location of the shed / garage and reduced building setbacks will have a negative effect on the existing and future amenity of the area as a result of its inconsistency with the streetscape and visual bulk.

5. The application is for a 5.4m wide shed with roller door access facing the road reserve, the dimensions of the proposed structure are capable of parking at least two cars within it. The Adamson Avenue road reserve features a children's crossing and yellow lines/no standing area in front of the site. Having regard to matters listed under sections 51(j), (m) and (n) of the *Planning Act* and identified in the public submission, comments from the Alice Springs Town Council regarding the application. The consent authority does not support a design that allows direct vehicle access to the shed/garage via the road reserve be supported (either as a formalised kerb crossover and driveway or for occasional / informal use).

ACTION: DAS to prepare a Notice of Refusal

ITEM 2 **SHED ADDITION TO AN EXISTING SINGLE DWELLING WITH A REDUCED BUILDING SETBACK TO FRONT BOUNDARY**
PA2018/0222 **LOT 9066, 2 REUS COURT, SUBURB OF EAST SIDE, TOWN OF ALICE SPRINGS**
APPLICANT **CHRISTOPHER & JEMIMA FRITTS**

Christopher Fritts attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 7.3
0072/18 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 9066, 2 Reus Court, Suburb of East Side, Town of Alice Springs for the purpose of a shed addition to an existing single dwelling with a reduced building setback to the front boundary, 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. Stormwater 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.
3. Any new (or alterations to existing arrangements to the) kerb crossover/s and driveway/s (works within the road reserve) to the development approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
4. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. 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.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
5. Prior to applying for building approval and works commencing, it is recommended that the land owner / developer engage 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*.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The development is consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme and the built form and character of existing developments within the wider Reus Court locality.
2. A variation is granted to front (primary street) building setback requirements of Clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme as:
 - The footprint of the existing single dwelling, curved alignment of the front boundary and road reserve, in ground swimming pool, paved area, pool pump, established landscaping within the rear yard are site constraints that limit design options;
 - The location of the proposed shed on the site is level, currently a gravel surface and the reduced building setback distance (to the street boundary) enables convenient access between the shed and the dwelling;
 - the position of the structure on the site and associated reduced building setback distance will enable:
 - no interference with the existing approved swimming pool safety fencing on the site;
 - sufficient fire separation from the single dwelling and shed;
 - convenient, unobstructed pedestrian and bicycle access to the proposed structure via the existing gravel driveway and paved pool area on the site;
 - access (for pedestrians, domestic machinery, deliveries etc) to the rear yard of the site be maintained

- the shed is of a height and roof pitch compatible with the existing dwelling and has no windows to the eastern side and is therefore not expected to have any adverse privacy impact on adjoining properties;
- the applicant advised (at the hearing) that the selected dimensions of the shed are supplier standard – any deviation from a standard dimension would require specific engineering and manufacturing which would add significantly to construction costs;
- existing solid metal fencing to the side boundary (~1.6m high) and landscaping both on the site and adjacent properties is expected to assist with screening the structure from adjacent dwellings and the streetscape;
- there are no store rooms located within the floor layout of the existing dwelling and the shed will provide additional storage space for bicycles and other household items owned by the residents of the dwelling.
- the proposed shed location is adjacent to an undeveloped area of the adjoining lot (common property / driveway / landscaped area of a multiple dwelling development) and is not expected to cause any undue overlooking or building massing on account of the reduced building setback;
- the flat roof design, Trimdeck® building materials and colours of the shed integrate the structure into the design features of the single dwelling;
- Mature landscaping on the subject site, Lot 9065 Reus Court and within the road reserve partially screens the shed; and

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.

3. Pursuant to section 51(n) of the *Planning Act*, the Development Consent Authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated:
 - the development is considered appropriate to the site and locality, and the design of the structure (height, roof pitch, colours, Trimdeck® building materials) combined with existing landscaping and fencing on the site are expected to limit the impact on the surrounding area;
 - the position of the proposed shed is opposite an area of public open space (Lot 9047) and will abut driveway and landscaped area on adjacent Lot 9065 (the eastern side neighbour). No windows will face this boundary and the shed will improve privacy for users of the pool in the rear yard of Lot 9066 in terms of visual screening; No loss of amenity to the street or adjoining lots is expected on account of the reduced building setback.
4. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.

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

ITEM 3 **TRANSPORT TERMINAL WITH ANCILLARY SITE OFFICE AND FUEL DEPOT**
PA2018/0212 **LOT 1604, 400 STUART HIGHWAY, SUBURB OF ARUMBERA, TOWN OF ALICE**
SPRINGS
APPLICANT **STANES TRANSPORT NT PTY LTD**

Kylie Johnson attended the meeting and John Rowell spoke further to the application via a telephone link up.

Submitter Rod Cramer spoke further to his submission.

Chansey Paech MLA (Member for Namatjira) contacted Development Assessment Services by phone on the morning of 11 July 2018 advising his inability to attend the meeting and indicated to the effect that that he:

- had read the applicant's written response to issues raised in his submission; and
- considered the response reasonably addressed those issues.

RESOLVED That, the Development Consent Authority varies the requirements of Clause 6.5.1
0073/18 (Parking Requirements) and sub-clauses 3(b) & 3(g) of Clause 6.5.3 (Parking
Layout) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning*
Act, alters the proposed development and consents to the proposed development as
altered to develop Lot 1604 (400) Stuart Highway, Suburb of Arumbera, Town of
Alice Springs for the purpose of a transport terminal with ancillary fuel depot and
office, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of works (including site preparation), amended plans and landscape plans as well as amended concept plans for site access/egress, Stuart Highway/Karnte Road intersection upgrade works and stormwater management are required to be endorsed by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority on advice from relevant agencies. With respect to any stormwater management plan prepared in response to Conditions Precedent 1(a)(ii), approval is delegated to the Chair of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans originally submitted and publicly exhibited, but amended and supported to include:

(a)

(i) a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council's stormwater drainage system and/or the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) drainage system/s accompanied by written support in principle from the relevant agency/agencies, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected to Council and/or the Department of Infrastructure, Planning and Logistics drainage system;

or

(ii) a detailed alternative stormwater management plan prepared by an independent suitably qualified professional, designed to ensure that the development and use of the site, will not result in increased stormwater discharge from Lot 1604 other than to the Alice Springs

Town Council (Council)'s and/or the Department of Infrastructure, Planning and Logistics' Transport and Civil Services Division (DIPL TCSD)' drainage system/s; accompanied by written support in principle from the Council and DIPL TCSD.

- (b) a Traffic Impact Assessment (TIA) shall be provided to quantify vehicle movements on Karnte Road and the Stuart Highway, the TIA should address the following comments/points:
- (i) Undertake a traffic survey to determine the existing traffic composition and flow. Show the heavy vehicle numbers in separate diagrams.
 - (ii) The Department has recently developed a mesoscopic model of the Alice Springs road network which can be used to determine how peak hour traffic volumes would change at this intersection and surrounding area in future years.
 - (iii) Estimated traffic volumes (10 year horizon) should show heavy vehicle numbers separately.
 - (iv) Trip generation numbers are to be justified and included in the report.
 - (v) A SIDRA network analysis is required (the Karnte Road / Stuart Highway intersection and the three accesses should be analysed as a network) to determine the impacts. Queue lengths will be required in order to determine the lengths of left turn and right turn lanes respectively.
 - (vi) A sight line assessment is required.
 - (vii) Swept path diagrams for the design vehicle (A-Triple Road Train) shall be provided with the detail design drawings submitted for Road Agency Approval to demonstrate the suitability of the intersection design geometry on the Stuart Highway.
 - (viii) Warrants are to be provided indicating the type and form that the intersection should take based on the calculated traffic volume.
- (c) revised concept plans showing the proposed alignment/layout of:
- (i) Karnte Road adjacent to the site, including (where applicable) details of crossovers, slip lanes, site access/egress and footpath/s; and
 - (ii) proposed Stuart Highway/Karnte Road intersection upgrades accompanied by documentation from the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division), demonstrating agency support for the concept plans, noting that development will be further subject to the general conditions of this permit;
- (d) a detailed site plan is required to be endorsed prior to the commencement of works. The plan must be generally consistent with the site plan dated 19 April 2018 prepared by TFA Project Group (Tam Faragher and Associates Pty Ltd), numbered 18080-SK1 Revision A and publicly exhibited with the application, but amended:
- (i) to comply with clause 6.5.3.3(g) of the NT Planning Scheme with respect to the Stuart Highway and Karnte Road street frontages and partially comply with clause 6.5.3.3(g) by including some planting adjacent to the Montgomery Road boundary; and
 - (ii) if/as necessary to comply with conditions precedent and/or service agency technical requirements, at the discretion of the consent authority;
- (e) a detailed landscape plan for the site is required to be endorsed prior to the commencement of works. The plan must be generally consistent with site plan dated 19 April 2018 prepared by TFA Project Group (Tam Faragher and Associates Pty Ltd), numbered 18080-SK1 Revision A and publicly exhibited with the application, but:

- (i) demonstrably provide adequate sight lines to the satisfaction of the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) as relevant;
- (ii) detail all fencing for the site and include fencing adjacent to the Stuart Highway frontage designed to the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division)'s standards and requirements to deter unauthorised vehicular and /or pedestrian movement;
- (iii) reflect a considered and appropriate response to the intent of clause 6.5.3.3(g), clause 6.12 and clause 8.2.2(m) of the NT Planning Scheme as well as the objectives of Community Safety Design Guide (including providing appropriate lighting and opportunities for passive surveillance from and to the site); and
- (iv) show/include:
 - details of proposed surface treatment of the eastern part of the site (i.e. the areas not being developed for transport terminal use) including any proposed landscaping;
 - 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; and
 - notes identifying the provision of in-ground irrigation system/s to all landscaped areas.

Consideration is recommended to some planting adjacent to the eastern 'boundary' of the transport terminal area, particularly where the planting will screen or partially screen truck parking and manoeuvring areas and the transport terminal building, particularly from the Stuart Highway. Such planting could substitute some of the proposed planting to the street boundaries.

(f) detailed floor plans for the transport terminal building; and

(g) detailed plans and elevations for the proposed bulk fuel storage tank.

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

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply facilities and electricity and telecommunication services and the management and disposal and/or discharge of trade waste in accordance with the authorities' requirements and relevant legislation at the time.
4. Appropriate erosion and sediment control measures should be effectively implemented throughout the construction stage of the development and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the Consent Authority. Information can be obtained from the IECA Best Practice Erosion and Sediment Control Guidelines 2008 available at www.austieca.com.au and the NTG website <https://nt.gov.au/environment/soil-land-vegetation>. The proponent must advise

the NT Environment Protection Authority (NTEPA) of activities to be conducted at this site, in the NTEPA approved format.

5. Dust control measures must be employed throughout the construction stage and following the establishment of the transport terminal use, such that dust does not leave the site and result in any loss of amenity to any other property. This condition is to the satisfaction of the consent authority.
6. Stormwater is to be retained on the site and/or collected and discharged into the drainage network to the technical standards of the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) respectively and at no cost to either agency, to the satisfaction of the consent authority;

or

The stormwater management system is to be provided and maintained in accordance with a stormwater management plan endorsed by the consent authority under Conditions Precedent 1(a)(ii) of this Development Permit. The developer must provide documentation from a suitably qualified person confirming that the finished levels and stormwater management system have been effected in accordance with the approved of the site are consistent with the endorsed stormwater management plan. This condition is to the satisfaction of the Chair of the consent authority.

7. All wastewater designs and works must be completed in accordance with the *Public and Environmental Health Act (NT) 2011* and the *Public and Environmental Health Regulations (NT) 2018*. This condition is to the satisfaction of the consent authority on advice from the Department of Health (Environmental Health Branch).
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. In addition, the owner shall:
 - (a) remove any disused vehicle and/ or pedestrian crossovers to the Stuart Highway and Karnte Road;
 - (b) (if required by the Alice Springs Town Council) provide a footpath adjacent to the Karnte Road frontage of the property;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;all to the technical requirements of the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and at no cost to either agency, to the satisfaction of the consent authority.
9. All proposed works within and/or impacting on Karnte Road and Montgomery Road, including upgrades to the intersection between the Stuart Highway and Karnte Road 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, at no cost to the Council. Drawings must be submitted to the (Council) for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
10. All proposed works within and/or impacting on the Stuart Highway, including upgrades to the intersection between the Stuart Highway and Karnte Road 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 Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division), at no cost to the Department. Drawings must be submitted to the Senior Director, Road Network Division, Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

11. The Stuart Highway verge fronting the development is to be landscaped consistent with existing Departmental (DIPL) landscaping plans, to the Department's standards and approval, 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. This condition is to the technical standards of the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics respectively, to the satisfaction of the consent authority.
13. Before the use/occupation of the development starts the landscaping works shown on the endorsed landscape plan/s must be carried out and completed and in-ground irrigation system/s must be installed to all landscaped areas, to the satisfaction of the consent authority.
14. The landscaping shown on the endorsed landscape plan/s must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
15. "No entry/no exit" signs and arrows directing the internal traffic movement on the site shall be provided prior to the commencement of the use to the requirements and satisfaction of the consent authority.
16. Before the use/occupation of the development starts, access lanes and driveways and areas set-aside for the parking and manoeuvring 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 as shown in the plan dated 19 April 2018 prepared by TFA Project Group (Tam Faragher and Associates Pty Ltd), numbered 18080-SK1 Revision A and publicly exhibited with the application;
 - (d) drained;
 - (e) line marked (or otherwise suitably delineated) to indicate dedicated car, rigid truck, trailer and road train parking; and
 - (f) clearly marked to show the direction of traffic with respect to the sealed driveways;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times and maintained to the satisfaction of the consent authority.
17. All air conditioning units and condenser units (including any units required to be added or replaced in the future) are to be appropriately screened from the Stuart Highway and Karnte Road to the satisfaction of the consent authority.
18. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to

ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.

19. The site must be managed during the construction stage to ensure that vehicles leaving it do not deposit mud or other materials on roadways, to the satisfaction of the consent authority.
20. The bulk fuel storage tank shall be limited to use in association with, and ancillary to, the transport terminal.
21. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.

NOTES:

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics (as relevant) before commencement of any work within a road reserve.
2. The Northern Territory Environment and Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
3. This development permit does not grant building approval. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
6. You are advised to contact the NT Fire and Rescue Service in relation to fire-fighting services and arrangements for the property.
7. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
8. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
9. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.

10. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
11. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public Health Act* and Regulations, the *NT Food Act* and National Food Safety Standards.
12. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
13. Lot 1604 Alice Springs is located within the *Soil Conservation and Land Utilisation Act* Declared Erosion Hazard Area. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control.
14. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The site is located within the Suburb of Arumbera which includes a mix of established land uses and provides capacity for a future industrial area to the south-western side of the site and the western side of the Anthepe and Karnte community living areas. The site is zoned SC (Service Commercial) and has size and dimensions suited to the proposed use which is considered consistent with what may be reasonably expected within the zone, subject to access and servicing complying with relevant standards and requirements.
2. A variation to the requirement in clause 6.5.3.3(b) of the Planning Scheme to seal parking areas as it relates to part of the proposed transport terminal is supported for the following reasons:
 - (a) the application proposes a sealed site access and perimeter driveway and compacted all-weather gravel to all other areas that are not landscaped; and
 - (b) the proposed surface treatment of the transport terminal hardstand and manoeuvring area is expected to meet the needs of the use without resulting in any adverse off-site impacts, provided that it is suitably maintained and dust-suppressed.

In accordance with clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned features and site conditions are

considered to be sufficient special circumstances and justify the granting of a variation to clause 6.5.3.3(b) of the Scheme.

3. A variation to the requirement in clause 6.5.3.3(g) of the Planning Scheme is supported for the Montgomery Road frontage, as the road is a service road/bush track with minimal; traffic envisaged. Some planting to the western boundary of the site is required, to assist in partially screening views of the transport terminal as seen from Karnte Road where it is parallel to Montgomery Road. It is envisaged that the site layout could be revised to comply or better comply with clause 6.5.3.3(g) of the NT Planning Scheme without unduly affecting the functionality of the parking layout. Amended plans providing landscaping that limits visual impacts of the proposed development including buildings and vehicles and equipment parked on the site on views from the Stuart Highway, and Karnte Road.
4. Pursuant to section 51(d) of the *Planning Act*, the Development Consent Authority must take into consideration an environment protection objective as defined in section 4(1) of the *Waste Management and Pollution Control Act* that is relevant to the land to which the application relates. The Northern Territory Environment Protection Authority has requested a development permit condition requiring the developer to submit relevant details for assessment/consideration and confirmed the requirement for the proposed development and use of the land to comply with to *Waste Management and Pollution Control Act*.
5. Pursuant to section 51(e) of the *Planning Act*, the Development Consent Authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the requirements contained in the *Planning Act* and Planning Regulations and 2 public submissions were received. The consent authority duly considered issues and points raised by submitters as well as the applicant's written and verbal responses and the conditions of approval are expected to assist in ensuring that access and amenity considerations are appropriately addressed. The Alice Springs Town Council did not make a submission in its capacity as a local authority.
6. Pursuant to section 51(g) of the *Planning Act*, the Development Consent Authority must take into consideration the report or statement and the results of any assessment of the report or statement under the *Environmental Assessment Act*, if a public environmental report, or an environmental impact statement, has been prepared or is required under that Act in relation to the proposed development. The Northern Territory Environment Protection Authority has not identified the requirement for either a public environmental report, or an environmental impact statement.
7. Pursuant to section 51(h) of the *Planning Act*, the Development Consent Authority must take into consideration the merits of the proposed development as demonstrated in the application. The application proposes a service station facility that, subject to further refinement, may be expected to accommodate the safe and convenient refuelling of motor vehicles and road trains without unduly impacting on the functionality or safety of adjoining roads.
8. Pursuant to section 51(j) of the *Planning Act*, the Development 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 proposed development and use as proposed and approved is not expected to unduly impact on the physical characteristics of other land. Relevant conditions of approval are expected to ensure that stormwater is suitably managed.

9. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The land is serviced with water and electricity and services may be upgraded as required to the standards and requirements of the Power and Water Corporation. The land is not connected to the sewerage network, however, the Power and Water Corporation has identified that it may be connected.

Noting that the Power and Water Corporation has identified/anticipated that local infrastructure limits water pressure flows will be unable to sustain the necessary firefighting flows for this development and advised that fire-fighting arrangements will need to be negotiated with the NT Fire and Rescue Service (NTFRS) and that NTFRS has advised that it has no objections to the proposal, an advisory note on the development permit regarding fire-fighting is expected to assist in ensuring due regard to this matter.

The conditions of approval are expected to assist in ensure the orderly development of services in accordance with relevant agency standards.

The proposed transport terminal development has been designed to accommodate road train movements and parking on the site. In view of the special design needs to accommodate road trains, a Traffic Impact Assessment and refinement of aspects of the proposed access and road intersection design are considered necessary. The conditions precedent relating to these aspects of the design may be expected to facilitate further refinement of design in consultation with relevant agencies, while acknowledging in-principle support for the proposed development of the site.

10. Pursuant to section 51(n) of the *Planning Act*, the Development 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 site is substantially separated from residential uses and the proposed development and uses are not expected to have any significant deleterious effect on the amenity of the locality or existing or future residents within the locality. The provision and maintenance of effective landscaping, particularly to the road frontages may be expected to ensure that potential visual impacts related to parking areas on the site and their use do not unduly detract from the streetscape, noting the prominence of the site adjacent to the main southern access to the town.

11. Pursuant to section 51(p) of the *Planning Act*, the Development Consent Authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application:
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety;
 - (iii) access for persons with disabilities.

The proposed development (as approved) is expected to duly recognise and accommodate the needs of persons with disability and to support community safety through adoption of a range of measures advocated by the Community

safety Design Guide, subject to suitable lighting, fencing and landscaping and providing opportunities for passive surveillance.

12. Pursuant to section 51(r) of the *Planning Act*, the Development Consent Authority must take into consideration 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*.

The application advises that the subject site is not mapped as containing any recorded or registered sacred sites, but that there are such sites in the immediate locality and prior to the commencement of any works, the developer will apply to the Aboriginal Areas Protection Authority for an Authority Certificate to cover the proposed activities.

There are no heritage constraints affecting the proposal and no other known natural, cultural or heritage values of significance have been identified.

13. Pursuant to section 51(s) of the *Planning Act*, the Development Consent Authority must take into consideration any beneficial uses, quality standards, criteria, or objectives, that are declared under the *Water Act*. The site is located within the Alice Springs Water Control District, however, the site is not located within either of the Management Zones which include public water supply as beneficial uses (i.e. the Roe Creek and the Rocky Hill/Ooraminna Management Zones). Department of Environment and Natural Resources has not identified any issues or concerns in relation to beneficial uses.

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

ITEM 4 **MOTOR REPAIR STATION AND ANCILLARY SHOWROOM SALES/WAREHOUSE INCLUDING ALTERATIONS AND EXTENSIONS TO A TWO STOREY BUILDING**
PA2018/0223 **LOT 9037, 289 STUART HIGHWAY, SUBURB OF STUART, TOWN OF ALICE SPRINGS**
APPLICANT **HORIZON GROUP NOMINEES PTY LTD**

Steve Adler (applicant) attended the meeting and spoke further on the application.

Development Assessment Services tabled a letter (dated 09/07/2018) received from the Environment Division of the Department of Environment and Natural Resources.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 9037, 289 Stuart Highway, Suburb of Stuart, Town of Alice Springs for the purpose of a motor repair station and ancillary showroom sales/warehouse including alterations and extensions to a two storey building, subject to the following conditions:

CONDITIONS PRECEDENT

1. (a) Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its

discharge into the Alice Springs Town Council / Transport and Civil Services Division (DIPL) (as the case may be) stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council and Transport and Civil Services Division (DIPL), to the satisfaction of the consent authority. The plan shall include details of site levels and Council's / DIPL's (as the case may be) stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's / DIPL's (as the case may be) system/s or an alternate approved method (i.e: stormwater to be retained on site).

OR

- (b) If a stormwater management plan is proposed that will not discharge stormwater into directly the Council / DIPL drainage network, documentation from a registered building certifier is required to be provided, confirming that the proposed stormwater management plan will comply with all relevant building legislation.
2. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
- a) Details of any new fencing (including retaining walls) and associated storm water drainage infrastructure at the rear of the site (boundary of Lot 5180)
 - b) The location(s) and clearance areas associated with the Power and Water Corporation's electricity and water meter(s) and fire hydrants.
 - c) Apex height(s) of the proposed shade sails;
 - d) Labelling of the counter/service area adjacent to the "showroom";
 - e) Full extent of any mezzanine storage areas (above the lunch room and bays 3 and 4 of the motor repair station);
 - f) Amended width of car parking space #10 to comply with sub-clause 3(j) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;
 - g) Bollard/s to protect the pedestrian access to the showroom
 - h) A landscaping plan generally in accordance with the landscape concept plan dated (01/05/2018) prepared by Steve Adler Building Design, except that the plan must show:
 - (i) 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;
 - (ii) any required clearance distances around the Power and Water Corporation's water and electricity meters;
 - (iii) ~7 canopy trees (minimum two metres tall when mature) in the areas at the front of the site indicated on the concept plan; and
 - (iv) provision of an in ground irrigation system to all landscaped areas.All species selected must be to the satisfaction of the consent authority, with a preference those native to Central Australia.

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

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. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
5. 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 as shown on the endorsed drawings;
 - (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.
6. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
7. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bay/s and must not disrupt the circulation and parking of vehicles on the land).
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. 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.
11. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, stormwater drainage, sewerage and electricity services, to the development as shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
12. 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.
13. 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.

14. The kerb crossover and driveway to the site approved by this permit are to meet the technical standards of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
15. Stormwater is to be either:
 - a) collected and discharged into the drainage network (or retained on site) to the technical standards of and at no cost to Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics (Stuart Highway) and Alice Springs Town Council (Basso Road / Lot 5810) as the case may be, to the satisfaction of the consent authority;

or

 - b) collected and retained on the site in accordance with a stormwater management system approved by a registered building certifier. This condition (part (b)) is to the satisfaction of the consent authority on written advice from a registered building certifier.
16. Any proposed works (including the provision or connection of services and drainage infrastructure) within or impacting on Stuart Highway (Department of Infrastructure, Planning and Logistics) or other (Alice Springs Town Council) road reserves 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 Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and/or the Alice Springs Town Council (as the case may be). Drawings must be submitted to the Council and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
17. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on advice from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
18. Upon completion of any works within or impacting upon the Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
19. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers; and
 - (b) undertake reinstatement works;all to the technical requirements of and at no cost to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
20. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve. This condition is to the satisfaction of the consent authority on advice from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.
21. Where unfenced, the Stuart Highway frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of

Infrastructure, Planning and Logistics standards and requirements to deter unauthorised vehicular and pedestrian movement, to the satisfaction to the consent authority.

22. The proponent must advise the NT Environmental Protection Authority (NTEPA) of activities to be conducted on the site, in the "approved form".
23. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and street scaping are to be to the technical requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning & Logistics to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
24. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of the consent authority.
25. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
26. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into Alice Springs Town Council and Department of Infrastructure, Planning and Logistics drains.
27. 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) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - (c) presence of vermin.

NOTES:

1. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
2. This development permit does not grant "building approval" for the proposed structures and uses. 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. A "Permit to Work Within a Road Reserve" may be required from the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics and Alice Springs Town Council before commencement of any work within the road reserves or Lot 5810.
4. The Stuart Highway road reserve (in front of the subject site) is due to be upgraded and the land owner / developer is advised to contact the Transport and

Civil Services Division of the Department of Infrastructure, Planning and Logistics to ascertain anticipated information on the project with respect to proposed upgrades to vehicle crossovers and storm water drainage systems and anticipated project timelines.

5. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Environment and Natural Resources.
6. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message).
The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.
8. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
9. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
10. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
11. The land owner / developer may need to comply with "General Environmental Duty" requirements specified in section 12 of the *Waste Management and Pollution Control Act*.
12. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
13. There are statutory obligations under the *Weeds Management Act* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment and Natural Resources.

14. Prior to applying for building approval and works commencing, it is recommended that the land owner / developer engage 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*.
15. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone LI (Light Industry) of the NT Planning Scheme, which is, “to provide for...development activities that will not by their nature of their operations, detrimentally affect adjoining or nearby land”. The land uses are listed as “permitted” within Zone LI. The development is consistent with the form of development expected within Zone LI and the design incorporates landscaping, building materials and colours that will enhance the visual appearance of the development.
2. Vehicle access to the proposed development will be from the Stuart Highway, which is a “main road” under the care, control and maintenance of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Sub-clause 2 of Clause 13.2 (Land Adjacent to Main Roads) of the NT Planning Scheme specifies that access to a use or development or proposed use or development from a main road is to be in accordance with the requirements of the agency responsible for the road. The conditions of approval will ensure the proposed development and use complies with the purpose and criteria of Clause 13.2 of the Scheme.
3. An assessment against Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme identifies that the proposed development will have a shortfall of 13 car parking spaces. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is considered suitable as:
 - 16 designated car parking spaces will be available for customer and staff use;
 - In respect to car parking numbers, the applicant has assessed that based on the land use and net floor areas proposed, the number of formal parking spaces proposed will satisfy the empirical demand for car parking on site and parking arrangements for the “motor repair station” (vehicles being worked on) being managed effectively;
 - A minimum of six ‘stacked’ parking spaces can provide additional informal car parking within the driveway area
 - The proposed car parking provision is expected to satisfactorily meet the needs of the use of the site as a motor repair station (auto electrician)
 - The subject site is located within convenient access to public transport (bus stops);

4. A variation to sub-clause 3(b) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme to allow part of a car parking area to be unsealed is considered to be satisfactorily in this instance as the gravel surface will assist with storm water infiltration, conditions of approval will ensure the surface is maintained and the affected (unsealed) area will not be in constant use by vehicles (used for staff and longer term parking). All other driveway and parking areas on the site will be sealed.
5. A variations to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for reduced building setbacks to Stuart Highway as the non-compliant buildings are shade sails, will assist in breaking up the visual bulk of the car parking area and main building and the landscaping once established is expected to satisfactorily respond to the relevant objectives of the NT Planning Scheme.
6. Pursuant to section 51(j) of the Planning Act, in considering a development application the Development Consent Authority must 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. Subject to storm water drainage arrangements to the site being addressed, the physical characteristics of the land are considered suitable for the proposed development. The site is outside the 1% AEP Defined Flood Area. The vehicle access arrangements, site and floor layouts and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme relevant to the proposed land uses.
7. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and works are not to encroach into easements. The conditions of approval are intended to ensure service authority interests are duly recognised.
8. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the compliance with conditions of approval, is expected to fulfil the objectives of the scheme relevant to Zone LI.
9. The application was publicly exhibited in accordance with the requirements of the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.
10. Amended drawings and conditions precedent are required to:
 - (a) Ensure service authority interests with respect to storm water drainage, vehicle access and electricity and water meters are satisfactorily addressed; and
 - (b) Achieve satisfactory compliance with the objectives and performance criteria of the NT Planning Scheme with regard to Clause 6.12 (Landscaping).

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

ITEM 5 **CONSTRUCT 3 X 2 BEDROOM MULTIPLE DWELLINGS (SERVICED APARTMENTS) IN A TWO STOREY BUILDING AND ALTERATIONS TO AN EXISTING RESTAURANT**
PA2018/0224 **LOT 179, 80 HARTLEY STREET, TOWN OF ALICE SPRINGS**
APPLICANT **TRISTATE PTY LTD**

Steve Adler and Samih Bitar (land owner) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout) and Clause 7.5 (Private Open Space) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 179, 80 Hartley Street, Town of Alice Springs for the purpose of 3 x 2 bedroom multiple dwellings (serviced apartments) in a two storey building and alterations to an existing restaurant, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the drawings dated 22/05/2018 (Job No. 1808, prepared by Steve Adler Building Design), but modified to show:
 - (a) Locations of proposed electricity and water meters;
 - (b) Ground level private open space (POS) details for each units including proposed surface treatments, fencing arrangements that comply with sub-clause 4 of Clause 7.5 of the NT Planning Scheme, planting and extent of area open to the sky;
 - (c) Proposed landscaping details (clarification on landscaping to be retained, details of species, quantities, surface treatments) for the development, such that the consent authority can be satisfied that the criteria and objectives contained in Clauses 6.12 and 7.7 of the NT Planning Scheme can be met, have regard to the guidance contained within the Alice Springs Heritage Precinct Conservation Management Plan 1994;

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

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. Before the use or occupation of the development starts, the area) 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 as shown on the endorsed drawings;
 - (d) drained; and
 - (e) line marked (or otherwise suitably delineated) to indicate each car space;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be maintained and 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. This condition is to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
9. 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.
10. 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.
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 NT Fire and Emergency Services.
12. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A

Certificate of Compliance (section 65 of the Planning Act) for each stage of the development will not be able to be granted until such time as addressing is obtained.

13. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au.
14. All proposed works impacting on Hartley Street and the rear laneway 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 Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
15. 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.
16. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.
17. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the , the Alice Springs Town Council (Hartley Street and rear laneway), to the satisfaction of the consent authority.
18. 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 (Hartley Street and rear laneway) to the satisfaction of the consent authority.
19. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
20. 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.
21. Pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the title of Lot 179, Town of Alice Springs to include the following advice. The Caution Notice is to state that: "parts of this site are liable to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement on the parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The permit holder is advised that it is an offence to carry out work on, disturb or destroy declared places without consent under the *Heritage Act*. The land owner/developer should contact the Heritage Branch of the Department of Tourism and Culture to ascertain requirements of the Heritage Act prior to commencing any demolition or construction works.
3. 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 (Hartley Street and rear laneway).
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Environment and Natural Resources.
9. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955362 (surveylandrecords@nt.gov.au).

10. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the NT *Public Health Act* and Regulations, the NT *Food Act* and National Food Safety Standards.
11. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
12. 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>
13. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. Subject to the receipt of amended plans and compliance with conditions of approval, the proposed use and development as presented in the application is considered to be generally consistent with the following policies and objectives of the NT Planning Scheme:
 - Clause 2.8 (Reference to Policy: Compact Urban Growth Policy)
 - Clause 4.3 (Planning Principles – Alice Springs)
 - Clause 14.4.4 (Southern Area Plan)
 - Zone TC (Tourist Commercial)The development is under the 3 storey height limitation and the scale, character and architectural style of the multiple dwelling development is considered to be compatible with the streetscape and surrounding infill residential development within Heritage Precinct. The “serviced apartment” land use is consistent with the purpose of Zone TC.
2. An assessment against Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme identifies that the proposed development will have as shortfall of two car parking spaces. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is considered suitable as:
 - Hartley Street provides adequate public car parking spaces with many spaces located within a reasonable walking distance of the proposed

- development, furthermore, the application proposes constructing a minimum of one car parking space within the road reserve;
- The subject site is a declared heritage place and the proposed design has received approval under the *Heritage Act*;
 - The subject site is located within convenient access to public transport (bus stops); and
 - The development is expected to generate minimal additional demand for parking.
3. Pursuant to section 70(4) of the *Planning Act*, the Development Consent Authority, having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme and recognising the lawfully established existing use of the subject units as a restaurant, considers it appropriate to grant the requested variation to Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme. Accordingly, the Development Consent Authority does not require a car parking levy to be paid to Alice Springs Town Council and pursuant to section 70(3) of the *Planning Act* reduces the car parking requirement to 7 spaces.
4. A variation to sub-clause 3(b) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is granted on the basis that the use of gravel as an alternative to an impervious seal to parts of the parking area is expected to support the declared heritage values of the site.
5. Variations are granted to Clause 7.5 (Private Open Space) of the NT Planning Scheme to allow private open space areas for some of the dwellings (as shown on the drawings) that do not fully comply with the minimum area, permeability dimensions. Variations to these provisions are supported, as the following circumstances apply to the development:
- despite these non-compliances, each dwelling provides a useable, functional areas for recreation purposes directly accessible from habitable rooms within the dwelling.
 - the dimensions of the non-compliant private open space areas are considered adequate to meet the expected needs of future occupants of those dwellings (serviced apartments);
 - the private open space areas are positioned to enable an extension of the function of each dwelling;
 - the areas of private open space are considered to be appropriate for the floor areas and layout of each dwelling;
 - communal open space (landscaped areas) are included with the proposed development of the site; and
 - there are areas of quality public open space and community facilities in close proximity to the site (neighbourhood parks).
6. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority must 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 multiple dwellings. The location on the site that will contain the footprint of the dwellings is outside the 1% AEP Defined Flood Area and is generally flat. The site and floor layouts, private open space provision and other aspects of the design

fulfil the intent of the objectives of the NT Planning Scheme relevant to multiple dwelling use.

7. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the consent authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services and works are not to encroach into easements. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services that apply to the development of the land.
8. Pursuant to section 51(p) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the public interest. Part of the site is identified as being liable to inundation in a 1% AEP Defined Flood Event. A Caution Notice is required to be placed on the land title with a view to ensuring future owners (including body corporate) and occupants of the site are aware of the flood liability and associated potential hazards and inconveniences.
9. Pursuant to section 51(r) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account any potential impact on natural, social, cultural or heritage values. The site is part of a declared heritage place (Alice Springs Heritage Precinct), an advisory note will be included on any permit issued to remind the owner/applicant to obtain any approvals required under the *Heritage Act*.
10. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.
11. Amended drawings and conditions precedent are required to:
 - (a) Ensure service authority interests with respect to storm water drainage and electricity and water meters are satisfactorily addressed; and
 - (b) Achieve satisfactory compliance with the objectives and performance criteria of the NT Planning Scheme with regard to:
 - Clause 7.5 (Private Open Space); and
 - Clause 6.12 (Landscaping) / Clause 7.7 (Landscaping for Multiple Dwellings, Hostels and Supporting Accommodation)

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

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

SUZANNE PHILIP
Chair

18/ 07/ 2018