



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 246 – WEDNESDAY 14 AUGUST 2019

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Deepika Mathur,
Jamie de Brenni, Marli Banks

APOLOGIES: Nil

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:20am and closed at 12:30pm

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 **21.5M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER**
PA2019/0240 **LOT 7140, 6 LYNDVALE, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS**
APPLICANT **OPTUS MOBILE PTY LTD (TRADING AS OPTUS)**

Kate Large attended the meeting via a telephone link and spoke further to the application.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent
0077/19 Authority consent to the application to develop Lot 7140 (6) Lyndavale Drive, Suburb of Larapinta, Town of Alice Springs for the purpose of a 21.5m high telecommunications facility with associated antennas and equipment shelter, 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. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services, to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.

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

4. The Northern Territory Environment Protection Authority stipulates 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. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
6. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
7. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council (Lyndavale Drive) and/or the Department of Infrastructure, Planning and Logistics (Lots 8092 & 7385 – Crown land) before commencement of any work within the road reserve or Crown land.
8. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, 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 has been assessed against the requirements of the NT Planning Scheme and complies with the relevant objectives and clauses.
2. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The matters identified in the technical comments received from the Alice Springs Town Council and the matters were considered by the consent authority.
3. Pursuant to section 51(n) of the *Planning Act 1999*, 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. Due to the height and design of the telecommunications facility, the tower is expected to have some impact on the amenity of the existing and future amenity of the area irrespective of its siting on the property. The existing landscaping and proposed fencing upgrades will offer

some screening of the tower to minimise the impact on the adjacent residential properties and nearby road reserves.

4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application.
 - The Authority noted that the applicant had undertaken community consultation regarding the proposal prior to submission of the development application;
 - The purpose of the development is to provide a telecommunication facility which will form part of Optus' network. The upgrade facilitated by this new development will enable improvements to the network coverage and capacity to the area and thereby ensuring a reliable delivery of mobile services to the area.
5. The application was placed on public exhibition in accordance with the requirements of the *Planning Act 1999* and Planning Regulations. No public submissions were received during the exhibition period.

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

ITEM 2 TWO DEVELOPMENT APPLICATIONS LODGED IN PARALLEL:

1. **ALTERATIONS TO EXISTING OFFICE BUILDING AND DELETION OF 3 CAR PARKING SPACES (CHANGES TO THE DEVELOPMENT APPROVED BY INSTRUMENT OF DETERMINATION DV1442)**
2. **SUBDIVISION FOR THE PURPOSE OF A UNIT TITLE SCHEME (5 UNITS AND COMMON PROPERTY AREA)**

PA2019/0205 LOT 1244, 20 BATH STREET, TOWN OF ALICE SPRINGS
APPLICANT ZONE A PTY LTD

Development Assessment Services tabled an email from the applicant (dated 13/08/2019) and accompanying updated drawings responding to matters identified in the recommendation contained in the DAS agenda report.

Applicants Stuart Chalmers and Douglas Baille (Zone A Pty Ltd) attended the meeting and spoke further to the application.

Mr Dilip Nellikat from the Alice Springs Town Council attended the meeting and provided a supplementary verbal comment on the application.

RESOLVED That, the Development Consent Authority reduce the car parking requirements pursuant to Clause 6.5.2 (Reduction in Parking Requirements) and vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 1244, 20 Bath Street, Town of Alice Springs for the purpose of Alterations to existing office building and deletion of 3 car parking spaces (changes to the development approved by Instrument of Determination DV1442), subject to the following conditions:

0078/19

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 must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans tabled by the applicant at the 14/08/2019 Development Consent Authority meeting, but modified to show:
 1. The 'loading bay' converted into a car parking space such that 18 designated car parking spaces are available on site;
 2. Provision of bicycle parking spaces in accordance with Austroads guidelines;
 3. The locations and dimensions of required upgrades to water meter, backflow prevention device, electricity meter/s and fire hydrant arrangements to the site as well as easements required (ie: PAWC electrical package sub-station in north east corner of site).
 4. details of lighting within common property areas responding to the objectives and guidelines contained in the Community Safety Design Guide (April 2010)
 5. Indicative locations of air conditioning units and associated screening;
 6. Any alterations required to the building/s to achieve compliance with section 51(q) of the *Planning Act 1999* (eg: access for persons with disabilities, upgrades to the structural integrity and fire safety)

The updated drawings must be accompanied by an acknowledgement in writing, from the Power and Water Corporation; the NT Fire and Rescue Service and Alice Springs Town Council that the requirement for service provisions has been discussed with a view to minimise their impact on active street frontages – as outlined in Clause 6.2.3 (Building Design Requirements within Zone CB in Alice Springs) of the NT Planning Scheme.

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. 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.
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. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage, electricity and telecommunication services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.
6. 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 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 meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the

Planning Act 1999) will not be able to be granted until such time as addressing is obtained.

7. 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-confirming that all new 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 waterdevelopmentsouth@powerwater.com.au and powerconnections@powerwater.com.au
8. 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 the Alice Springs Town Council to the satisfaction of the consent authority.
9. Any alterations to existing arrangements to the kerb crossover and driveway 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.
10. 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.
11. Storage and collection for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.
12. Before the use commences the owner/developer must, in accordance with section 70(3) of the *Planning Act 1999*, provide 20 car parking bays. In accordance with section 70(5) of the *Planning Act 1999*, 3 of the required parking bays may be provided through the payment of a monetary contribution to the Alice Springs Town Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act 1999*.
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.
14. Before the use 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 drivewaysto the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be kept available for these purposes at all times.
15. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring

properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES

1. Any future applications for a mixed use development must provide the required number of car parking spaces on site in accordance with the applicable Planning Scheme at the time. Any request to waive or reduce the required number of car parking spaces (including requests for a payment made in-lieu of those spaces to the Alice Springs Town Council) will be considered in accordance with the *Planning Act 1999* and the applicable Planning Scheme at the time by the relevant consent authority. A future application will be a separate determination, and no reduction granted through this permit is automatically applicable to any determinations in the future.
2. The applicant is advised to engage a building certifier, within the meaning of the *Building Act 1993*, as to whether the building/s comply with the *Building Act 1993* and associated Regulations.
3. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955354 (surveylandrecords@nt.gov.au).
6. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act 1998*, more information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NTEPA on (08) 89244218 or ntepa@nt.gov.au.
7. The Northern Territory Environment 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 1998*.
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

9. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
10. This permit will expire if one of the following circumstances applies:
 - (a) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (b) the development is not completed within *four* years of the date of this permit. The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates.

The primary purpose of Zone CB (Central Business) of the Northern Territory Planning Scheme is to provide for a diversity of activities, including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities. In Zone CB, building form and design is expected to be sensitive to the needs to pedestrian movement and facilitate the creation of safe and active street frontages and public places and a vibrant commercial precinct.

The application is for alterations to an office building that was originally approved by Instrument of Determination DV1442 in 1984. The alterations are being made in response to sub-clause 3 of Clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme.

2. Subject to the receipt of revised drawings, the proposed upgrades to the site are considered to be an acceptable response to the objectives and performance criteria contained in Clause 6.2.3 (Building Design Requirements in Zone CB in Alice Springs) of the NT Planning Scheme.
3. The purpose of Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The office use of the site requires 37 car parking spaces and the application seeks a reduction from the 20 spaces shown on the drawings endorsed as forming part of DV1442.

The reduction to the parking required under Clause 6.5.1, pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme and section 70 of the *Planning Act 1999* was considered having regard to the following matters:

- (a) the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
- (b) the provision of car parking spaces in the vicinity of the land; and
- (c) the availability of public transport in the vicinity of the land; or

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

The parking reduction is considered appropriate in recognition of the historic use of the land and the proposed upgrades being made to achieve closer compliance with other aspects of Part 4 of the NT Planning Scheme. With the existing building covering almost the entire site, there is no opportunity for the construction of any additional on-site car parking.

A limited number of free publicly available parking spaces are located within Bath Street (~4 spaces) and Parsons Street (~10 spaces). The site is located within close proximity to a taxi rank on Bath Street and public bus stops on Railway Terrace and Hartley Street.

4. Pursuant to section 70 of the *Planning Act 1999*, payment in lieu to the Alice Springs Town Council, is intended to ensure that car parking will be made available in the locality in the long term, and as a provision for commercial uses in a publicly accessible centralised site promotes land use efficiency and improves availability of parking to the full community. A payment in lieu of the 3 car parking spaces is considered appropriate given the changes made to the car parking layout (deletion of spaces) previously approved by DV1442 and there was no evidence provided by the applicant that the requirements of Condition 6 of DV1442 have been complied with. Whilst the use relies on on-street parking and a levy payment is required, the applicant has demonstrated that the parking in the immediate area adjacent the site can accommodate the extent of short-term parking demand anticipated during the peak periods.
5. The purpose of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme is to ensure that a car parking area is appropriately designed, constructed and maintained for its intended purpose.

The application as approved does not fully comply with the minimum car parking bay length and driveway width dimensions specified in sub-clause 3. These dimensions reflect the “as constructed” development and due to the building footprint and concrete kerbing on site it would be impractical to alter the design to fully comply. The car parking and driveway layout has been in use in its current arrangement for over 30 years and is considered to be functional in terms of providing access to every car parking space.

Conditions of approval will ensure the surface treatment is upgraded and maintained.

6. The purpose of Clause 6.6 (Loading Bays) of the NT Planning Scheme is to provide for the loading and unloading of vehicles associated with the use of the land. The development overall requires 1 loading bay, the application is altered to negate the requirement for a loading bay to be constructed.

Pursuant to Clause 2.5 (Exercise of Discretion by the Consent Authority), the consent authority may consent to a development that does not meet the standard set out in Parts 4 or 5 of the Planning Scheme where it is satisfied that special circumstances justify the granting of consent.

The special circumstances for negating the requirement for a designated loading bay to be constructed on the site include:

- Due to the building footprint and design of the existing car parking and driveway area, it is not possible for a loading bay to be accommodated on site that would comply with the minimum length, width and height clearance requirements specified in Clause 6.6
 - If a loading bay were to be constructed on site, it would only be accessible to smaller vehicles;
 - The office use of the building was established in 1986 and the existing parking area and spaces available in the Parsons Street road reserve have adequately accommodated the nature of vehicles attending the site for commercial deliveries and maintenance.
 - The site has the ability to continue to use the Parsons Street car parking bay(s) for the parking of delivery vehicles.
 - 2 existing car parking spaces will be retained.
7. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. A local authority submission was received from the Alice Springs Town Council in relation to the application. The matters raised in the submission were acknowledged and discussed in the report that was considered by the Development Consent Authority at their meeting held on 14/08/2019. The Authority also considered the verbal evidence from the applicant and the Alice Springs Town Council representatives at the hearing of the application.
8. Pursuant to section 51(j) of the *Planning Act 1999*, 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 office building was completed in 1986 and the application seeks consent for upgrades to facilitate the subdivision for the purpose of a unit titles scheme. The physical characteristics of the land are considered suitable for the proposed site works. The site is outside of the 1% AEP Defined Flood Area. The vehicle access arrangements to the site will not be altered.
9. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account 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 Power and Water Corporation has advised that areas of the site need to be set aside for upgrading of connections to and infrastructure for power, water and sewer services. The conditions of approval and advisory notes are intended to ensure service authority interests are duly recognised, in particular:
- the design objectives and requirements contained in Clause 6.2.3 (Building Design Requirements within Zone CB in Alice Springs) of the NT Planning Scheme are achieved; and
 - easements are registered on the land title to protect Power and Water Corporation assets.
10. Pursuant to section 51(n) of the *Planning Act 1999*, 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 conditions of approval and associated advisory notes are intended to ensure the existing and future amenity of the subject site and adjacent land are not adversely impacted by the proposed alterations and additions to the development.

11. Pursuant to section 51(p) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the public interest, including how the following matters have been provided for in the application:

(i) *community safety through crime prevention principles in design;*

A condition precedent has been included requesting details of lighting in communal areas be shown on the drawings.

(ii) *water safety;*

There are no existing or proposed swimming pools or spas on the site.

(iii) *access for persons with disabilities*

The building certification process will ensure the refurbishment works are designed to comply with contemporary building standards for persons with disabilities, relevant to the National Construction Code classification for the building. The car parking area is being upgraded to include a parking bay that is accessible for mobility impaired persons.

12. The application was publicly exhibited in accordance with the *Planning Act 1999* and *Planning Regulations 2000*. No public or local authority submissions were received.

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

**RESOLVED
0079/19**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 1244, 20 Bath Street, Town of Alice Springs for the purpose of a subdivision for the purpose of a Unit Titles Scheme to create 5 units and a common property area, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and two copies must be provided. The plans must be generally in accordance with the plans tabled by the applicant at the 14/08/2019 Development Consent Authority meeting, but modified to show any further amendments to the Unit Titles Scheme subdivision boundaries arising from the revised drawings submitted in response to Condition Precedent 1 of RESO 0078/19.

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. Prior to new titles being issued for the shown on the endorsed drawings, a Scheme Statement, or subsequent Scheme Statement as applicable, meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office, Department of the Attorney-General and Justice) shall be submitted for endorsement by the consent authority.
4. "Part V" (section 62 of the *Planning Act 1999*) clearance for subdivision into units under the *Unit Titles Scheme Act 2009* will not be granted until the relevant Certificate of Compliance (in full) has been issued for the development as shown on Development Permit DP19/0_ _ _.
5. Prior to new titles being issued for the units shown on the endorsed drawings, 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 confirming that all new 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.
6. Prior to new titles being issued the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
7. Prior to new titles being issued for the units shown on the endorsed drawings, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP19/____ as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown of the survey plan as Common Property

NOTES

1. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 89955354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
2. 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).

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, 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 proposed subdivision for the purposes of a Unit Titles Scheme is consistent with:
2. the purpose, objectives and performance criteria contained in Clause 11.1.5 (Subdivision for the Purpose of a Unit Titles Scheme) of the NT Planning Scheme: and
 3. the lawfully established “office” office use of the site and the upgrading to the development approved by Development Permit DP19/0---.
 4. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP19/0--- and the requirements of section 22 of the *Unit Titles Schemes Act 2009* are complied with.
 5. Pursuant to sub-clause 3 of Clause 11.1.4 (Subdivision for the Purpose of a Unit Titles Scheme) of the NT Planning Scheme, the consent authority is satisfied that the upgrading works to be carried out on the site (approved by Development Permit DP19/---) will be the only practicable design solution for the office development of the site.
 6. Pursuant to section 51(q) of the *Planning Act 1999*, in considering a development application for a proposed subdivision of land on which a building is, or will be situated, the consent authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building). The statement from a building certifier included with the application has addressed the matters listed in sections 46(3)(k) & (l) of the *Planning Act 1999*. Subject to the land owner obtaining the necessary building approvals for fire upgrades and finalising Occupancy Certification, the Authority is satisfied that the matters listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* can be complied with.

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

ITEM 3 SUBDIVISION FOR THE PURPOSE OF A UNIT TITLES SCHEME TO CREATE TWO UNITS AND COMMON PROPERTY
PA2019/0247 LOT 8555, 75 TODD STREET, TOWN OF ALICE SPRINGS
APPLICANT EARL JAMES AND ASSOCIATES

Brian Blakeman (Brian Blakeman Surveys) attended the meeting representing the applicant and spoke further to the application.

RESOLVED 0080/19 That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority (the consent authority) defers consideration of the application to develop Lot 8555 (75) Todd Street, Town of Alice Springs for the purpose of a unit title schemes subdivision to create 2 units and common property to provide the owner with the opportunity to:

- A. Obtain consent for the use of the site and upgrades responding to clause 11.1.5(3) of the Northern Territory Planning Scheme, noting that:
 1. “*The purpose Clause 11.1.5 (Subdivision for the Purposes of a Unit Title Scheme) is to ensure that:*

- a) *The new ownership arrangements resulting from a subdivision to create a unit title scheme allow each element of the development to continue to be available to the occupants of the development and where appropriate to visitors;*
 - b) *Older developments are upgraded; and*
 - c) *Development will not have a detrimental environmental effect on the land or result in a loss of amenity within the locality”;*
2. Uses of part of the existing buildings have been abandoned, in terms of section 59A(2) of the *Planning Act 1999*;
 3. Under clause 11.1.5(3) of the NT Planning Scheme, “*A lawfully established use or development on a lot may be subdivided to create a unit title scheme only if the use or development has been upgraded to meet the performance criteria within Part 4 of the planning scheme that apply to the use or development of the land. If it is not possible to meet the criteria the consent authority must be satisfied that the proposed upgrading is the only practicable design solution*”; and
 4. The proposal does not comply with clause 11.1.5(3) of the Planning Scheme; and
 5. The consent authority cannot allow land to be subdivided unless the current development and use is lawful and the use or development has been upgraded to meet the applicable performance criteria within Part 4 of the planning scheme that apply to the use or development of the land.
- B. Clearly describe the nature and location of existing and proposed services and connection points.
- C. Allocate a majority or all car parking to common property, to be collectively managed by the Body Corporate to maximise flexibility of responding to any future changes of use of individual tenancies and related parking demand.
- D. Better demonstrate the suitability of the development for separate ownership and operation in terms of section 8C of the Planning Regulations, noting that:
- Section 8C of the Planning Regulations applies to a development application for a proposed subdivision of land on which a building is situated;
 - In accordance with section 51(q) of the *Planning Act 1999* and section 8C of the Planning Regulations, the consent authority must take into account whether parts of the building are suitable for separate ownership or occupation, having regard to the following:
 - (a) the structural integrity of the building;
 - (b) the fire safety qualities of the walls and other proposed boundaries within the building;
 - (c) if the building is situated in a part of the Territory to which Part 6 of the *Building Act 1993* applies under section 6 of that Act – the requirements in relation to structural integrity and fire safety prescribed under that Act at the date the development application was made; and
 - The building certifier statement included in the application identifies that the existing development of the land includes unapproved building works and does not clearly demonstrate the suitability of the existing development for subdivision as proposed.

ACTION: DAS to prepare deferral letter

ITEM 4 **INDEPENDENT UNIT ADDITION TO A SINGLE DWELLING WITHIN A
DEFINED FLOOD AREA WITH A FLOOR AREA IN EXCESS OF 50M² AND
REDUCED FRONT AND SIDE SETBACKS.**
PA2019/0091 **LOT 753, 2 LINDSAY AVENUE, SUBURB OF EAST SIDE, TOWN OF ALICE
SPRINGS**
APPLICANT **SPEARS CONSTRUCTION (NT) PTY LTD**

Matt Cunningham (applicant) and Christopher Scott (landowner) attended the meeting and spoke further on the application.

**RESOLVED
0081/19**

That, subject to confirmation that the public exhibition signs remained on the site for the duration of the exhibition period, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures), clause 7.5 (Private Open Space) and clause 7.10.4 (Independent Units) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alters the proposed development and consents to the proposed development as altered to develop Lot 753 (2) Lindsay Avenue, Suburb of East Side, Town of Alice Springs for the purpose of an independent unit, subject to the following conditions:

CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings submitted 11 July 2019 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, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. 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.
4. The finished floor levels of "habitable rooms" of the "independent unit" shall be no lower than 578.05 metres Australian Height Datum (AHD). The developer shall demonstrate compliance with this condition by providing "as constructed" finished floor levels (certified by a Licensed Surveyor) for the independent unit. Levels should be provided for a minimum of 2 points on the finished floor of the independent unit. This condition is to the satisfaction of the consent authority.
5. The car parking spaces shown on the endorsed plans must be available at all times for the use of the occupants of the development and their visitors.

NOTES:

1. This development permit does not grant "building approval" for the proposed new development works. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works.
2. The Department of Environment and Natural Resources advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between

7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

3. A "Permit to Work Within a Road Reserve" may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority (the consent authority) must take into account any planning scheme that applies to the land to which the application relates. The proposed independent unit:
 - a) is of a form, scale and character that may reasonably expected within Zone SD (Single Dwelling Residential) of the NT Planning Scheme; and
 - b) is expected to be compatible with the existing development within the immediate locality and suburb of East Side more generally.
2. The subject site is located within a defined flood area (DFA). Habitable rooms of the new independent unit are proposed to be built to 578.05 metres Australian Height Datum (AHD), which is 300mm above the projected flood height as it relates to the site and will therefore comply with clause 6.14.5(b) of the Scheme, which prescribes a minimum floor level for such rooms on land liable to flooding.
3. A variation is granted to the primary street boundary setback requirements of clause 7.3 (Building Setback of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme as:
 - a) The existing development of the site limits substantially constrains option for the location of an independent unit of the size and form proposed;
 - b) the proposed independent is of a scale and form that is compatible with other residential development in the immediate locality;
 - c) the Lindsay Avenue streetscape includes a mixture of architectural styles and building setbacks, including a number of multiple dwelling developments with front setbacks to Lindsay Avenue that are 4m or less;
 - d) the reduced front setbacks of the independent unit are not expected to result in any undue or significant:
 - (i) building massing when viewed from the street or other properties;
 - (ii) overlooking; or
 - (iii) overshadowing of any property;
 - e) the design:

- (i) provides a north-facing living area and verandah of the independent unit and private space to the north of the unit, allowing winter solar access;
 - (ii) allows continued use of the front verandah for the single dwelling;
 - (iii) allows parking for the independent unit to be located adjacent to the single dwelling parking; and
- f) the development is not expected to frustrate the purpose of clause 7.3.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the above circumstances are considered, cumulatively to constitute special circumstances that justify the granting of a variation to clause 7.3.

4. A variation is granted to the requirements of clause 7.5.2(b) (Private Open Space) of the Northern Territory Planning Scheme as:
- a) The proposed open space area is expected to offer a good level of amenity to the occupant/s;
 - b) The design is expected to be functional and allow convenient access between the independent unit and its verandah and private open space area; and
 - c) The design provides opportunities for good passive surveillance of the verandah and open space area from the kitchen and living area; and
- The above circumstances are considered, cumulatively to constitute special circumstances that justify the granting of a variation to clause 7.5.2(b).
5. A variation to the maximum floor area limitation set out in sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme is supported, as having regard to sub-clause 5 of Clause 7.10.4, the proposed development and use of the independent unit is not expected to result in any significant impact on the amenity of adjoining or nearby properties in terms of noise, privacy or visual impacts and is considered appropriate to the site.
6. A variation to clause 7.10.4.2(b) is supported as:
- a) Sub-clause 5 specifies *the consent authority may approve an application for an independent unit that is not in accordance with sub-clause 2(b) only if it is satisfied the proposed independent unit is appropriate to the site having regard to the potential impact of the independent unit on the amenity of adjoining and nearby properties*; and
 - b) The proposed design and location of the independent unit provide a readily accessible yard area for the dwelling and independent unit and are considered appropriate for the site; and
 - c) The independent unit is not expected to have any material impact on the amenity of any other property or the streetscape and the additional floor area (i.e. above the standard maximum of 50m²) is not expected to result any discernible amenity impact on any other property; and
 - d) The independent unit will be ancillary to the single dwelling.
7. Pursuant to section 51(b) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account any proposed amendments to such a planning scheme:
- a) That have been or are on exhibition under Part 2, Division 3;
 - b) In respect of which a decision has not been made under Part 2, Division 5; and
 - c) That are relevant to the development proposed in the development application;

Pursuant to section 27 of the *Planning Act 1999*, proposed Planning Scheme Amendment PA2017/0203 was on public exhibition from 31 May 2019 to 28 June

2019. PA2017/0203 seeks to amend clause 7.5 (Private Open Space) of the NT Planning Scheme to clarify the purpose of the clause and introduce greater design flexibility for single dwellings on small lots.

An assessment of the development application against the proposed amendments to clause 7.5 (Private Open Space) of the NT Planning Scheme identified that the proposed private open space arrangements proposed within the development application will be able to comply with the minimum dimension, area, surface treatment and “open to the sky” criteria proposed within PA2017/0203.

8. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. No public submissions or local authority submissions were received under Section 49 of the *Planning Act 1999* with respect to the proposal.
9. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application, of the 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 land is reasonably flat and identified as being liable to inundation in a 1% AEP Defined Flood Event (DFA), however, finished floor levels of “habitable rooms” will be built above flood level without the need for substantial fill. The surrounding area has been developed for residential purposes and the site is developed with a single dwelling and non-habitable ancillary structures. The land is considered capable of supporting the proposed development. The Department of Environment and Natural Resources has not identified any concerns with the proposal.
10. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account 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 conditions and advisory notes of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, stormwater drainage and electricity, sewerage and water services.
11. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application, of the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. Existing boundary fencing and planting within the road reserve and on the site is expected to assist in integrating the independent unit into the streetscape. The owners have indicated their intention to do additional planting between the building and the front boundary. The independent unit is not expected to have any material impact of the amenity of any other property or the streetscape and the development is expected to offer a good level of amenity for the occupants of both dwellings.

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

ITEM 5 CHANGE OF USE (PART OF SITE) FROM OFFICE TO MEDICAL CLINIC
PA2019/0259 LOT 5183, 16 HARTLEY STREET, TOWN OF ALICE SPRINGS
APPLICANT DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

Stephen Saines (Tangentyere Design) attended the meeting and spoke further on the application.

RESOLVED
0082/19

That, the Development Consent Authority varies the requirements of clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consents to the application to develop Lot 5183 (16) Hartley Street, Town of Alice Springs, for the purpose of a change of use of part of the site to medical clinic, subject to the following conditions and for the following reasons:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of tenancy fit out, 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 detailed layout of the basement car park level showing at least 53 car parking spaces, consistent with the parking space requirements including access and dimensions pursuant to clause 6.5.3 (Parking Layout) of the NT Planning Scheme.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Before the use commences the owner/applicant must, in accordance with section 70(3) of the *Planning Act 1999*, provide nine (9) car parking bays for the use. In accordance with section 70(5) of the *Planning Act 1999*, of the required parking bays three (3) are to be provided through the payment of a monetary contribution to the Alice Springs Town Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act, 1999*.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development, in accordance with the authorities' requirements and relevant legislation at the time, to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" for the proposed works and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act, 1998*. More information

can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.

4. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the *NT Public & Environmental Health Act 2011, & Regulations 2014*, the *NT Food Act 2004* and the National Food Safety Standards.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act 1999*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed medical clinic development and use, as approved, is considered appropriate to Zone CB (Central Business) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.
2. An assessment against Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme identifies that the proposed use has a requirement for 12 car parking spaces. A reduction to the parking required under Clause 6.5.1 (Parking Requirements), pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme is considered suitable as:
 - a) Pursuant to section 70(3) of the *Planning Act* a payment in lieu of three (3) car parking spaces to ensure that off-site parking will be made available in the locality in the long term; and
 - b) A variation of the requirement to provide a further 6 on-site spaces is considered appropriate given the following reasons:
 - (i) The Jock Nelson Building was constructed by the Commonwealth Government in 1991 with 46 car parks and was not subject to compliance with local planning controls when constructed;
 - (ii) The property was sold to Quad Pty Ltd in March 2000 and is currently used for commercial office space with provision for up to 53 car parks;
 - (iii) The NT Planning Scheme (2007) allows for 2.5 spaces / 100m², which equates to a requirement for 72 spaces for the overall development and Tenancy 11 (377 m²) on the second floor is currently vacant and the subject of this application would generate a requirement for 9 spaces;
 - (iv) Six car parking spaces are to be allocated to the tenancy, but these are not available for public (client) use;
 - (v) The existing car park cannot be expanded;

- (vi) External bike parking (motorbike and bicycles) is available in front of and to one side of the building;
- (vii) The site is located within the CBD and is a short distance from a public bus stop in Hartley Street and other public and private car parks;
- (viii) The applicant advised that the consulting rooms would rarely be used all at once and demand for car parking may not be as critical; and
- (ix) The proposed use is consistent with the range of uses and services found in the CBD.

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

3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.
4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified merits including:
 - The site is of adequate size and shape for the proposed use being sought;
 - The site is located within the CBD, providing easy access for community members;
 - The proposed use will add to commercial diversity within the Alice Springs Central Business area, and help to relieve the pressure at the local hospital in terms of offering much needed choices of medical services in town; and
 - The 'change of use' will utilise a tenancy within an existing building.
5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. The relevant roads and stormwater drainage authorities have not identified any concerns or requirements and the conditions of approval may be expected to assist in ensuring that the Power and Water Corporations requirements are duly addressed.
7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. It is not envisaged that the proposed medical clinic and offices will adversely impact on the amenity of adjoining properties or the locality.
8. Pursuant to section 51(r) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account any

potential impact on natural, social, cultural or heritage values. There are no social, cultural or heritage values that affect this site.

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

ITEM 6 **ADDITIONAL CONSULT ROOMS AND ALTERATIONS TO EXISTING MEDICAL CLINIC IN A SINGLE STOREY BUILDING**
PA2019/0270 **LOT 190, 69 BATH STREET, TOWN OF ALICE SPRINGS**
APPLICANT **DR ADIL VAGHAIWALA AND CHRISTINE NEVES**

Luke Gardiner (Lawyer), Steve Adler (Architect), Dr Adil Vaghaiwala and Christine Neves (Land Owners) attended the meeting and spoke further on the application.

Luke Gardiner tabled a folder of photos of street parking.

RESOLVED That the Development Consent Authority (the consent authority) defers consideration of the application to develop Lot 187 (79) Bath Street, Town of Alice Springs, for the purpose of additions and alterations to a medical clinic to provide the applicant with the opportunity to review parking layout and design options for the site, noting that:

0083/19

- a) Having considered the existing parking shortfall for the site and the likely increase in demand in parking generated by the limited use for the medical consulting rooms as represented by the Applicant, the DCA has determined that a minimum of two (2) additional parking spaces (to the 11 existing spaces proposed in the application) are required for the development;
- b) There may be capacity to further increase on-site parking provision, while maintaining functionality of the parking area, including potentially by providing limited 'stacked' parking adjacent to the southern boundary, and use in respect to anticipated part-time/intermittent use of specialist consulting rooms;
- c) If it can be demonstrated, with the agreement of the Alice Springs Town Council (ASTC), that the existing kerb crossover to the site off Bath Street can be reconfigured as a new parallel parking space may be taken into account for the purposes of reducing the requirements for one of the two required additional spaces; and
- d) If it is not possible (or proposed) to provide 1 or both of the 2 required additional spaces according to the considerations set out above, approval is proposed to be subject to a condition requiring payment of a monetary contribution to the Alice Springs Town Council in lieu of the 1 or 2 space shortfall, as the case may be.

RESOLVED
0084/19

That, pursuant to section 86 of the *Planning Act 1999*, the Development Consent Authority delegates to the Chair, the power under section 53 of the Act to determine the application to develop Lot 187 (79) Bath Street, Town of Alice Springs, for the purpose of alterations and additions to a medical clinic (including 2 medical specialist and 1 dental specialist consulting rooms), including with respect to the granting of variations to clause 6.5.1 (Parking Requirements) and clause 6.5.3 (Parking Layout) and subject to:

- a) Consideration of:
 - (i) Any response from the applicant to the notice of deferral (RESO 0082/19);
 - (ii) Documentation demonstrating support in principle from the Heritage Branch of the Department of Tourism and Culture in relation to heritage values, for any revised plans submitted in response to the deferral notice (given that the site is a Heritage Place);

- (iii) Documentation demonstrating support in principle from the Alice Springs Town Council in relation to any revised site plan submitted in response to the deferral notice; and
- b) The following conditions, as amended at the discretion of the delegate:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The 3 specialist consulting rooms (1 dental and 2 other) approved through this permit are not approved for use as general practice consulting rooms, unless with the further consent of the consent authority.
3. Before the use of the approved additions commences, the owner must, in accordance with section 70(3) of the *Planning Act 1999*, make a monetary contribution to the Alice Springs Town Council in lieu of any parking shortfall. The contribution is to be calculated in accordance with the requirements of section 70(6) of the *Planning Act, 1999*.

Note: *The consent authority has determined that a minimum of 13 parking spaces are required for the development of Lot 187 (including the existing medical clinic and proposed additions). The 13 parking spaces may be reduced to 12 if 1 new parking space within the Bath Street road reserve immediately adjacent to the south-western corner of the site can be created, subject to the written agreement of the Alice Springs Town Council.*

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities, in accordance with the authorities' requirements and relevant legislation at the time, 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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.
7. All proposed works impacting on Bath Street and/or the rear laneway to Lot 187 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".

NOTES

1. This development permit does not grant "building approval" for the proposed works and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
2. The 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, 2011*. The land

owner/developer should contact the Heritage Branch of the Department of Tourism and Culture to ascertain requirements of the *Heritage Act, 2011* prior to commencing any demolition or construction works.

3. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act, 1998*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
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. 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 (Bath Street and rear laneway).
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, 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS

1. Pursuant to section 51(a) of the *Planning Act, 1999* the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed additions to the existing medical clinic development and use are intended to accommodate 2 medical specialists and 1 dental specialist and are considered:
 - a) appropriate to Zone TC (Tourist Commercial) of the Northern Territory Planning Scheme; and
 - b) consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.

2. The purpose of clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided to service the proposed use of a site. The table to clause 6.5.1 of the Scheme identifies a minimum requirement of 4 spaces for each consulting room. Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme provides for a use or development with fewer car parking spaces than required by clause 6.5.1 and, in accordance with clause 6.5.2.2, the consent authority may approve a use or development with fewer car parking spaces than required by clause 6.5.1 if it is satisfied that a reduction is appropriate for the use or development, having considered:
 - a) the zoning of the land, the use or development or proposed use or development of the land and the possible future use or development of the land;
 - b) the provision of car parking spaces in the vicinity of the land; and
 - c) the availability of public transport in the vicinity of the land; or
 - d) the use or development relates to a heritage place and the Minister responsible for the administration of the *Heritage Act* supports the reduced provision of car parking spaces in the interest of preserving the significance of the heritage place.

In this instance, the consent authority, has considered the proposal with regard to sub-clauses 6.5.2.2(a), 6.5.2.2(b) and 6.5.2.2(c) and decided that a reduction to the parking required under clause 6.5.1 is appropriate as it:

- a) is satisfied that the 11 existing on-site car parking spaces reasonably service the 6 existing consulting rooms; and
- b) has determined that the provision of an additional 2 parking spaces is required in recognition of additional demand for car parking associated with the proposed specialist consulting room additions, noting that:
 - (i) the use of the specialist consulting rooms as described in the application and by the current owner-managers of the clinic is proposed to be intermittent; and
 - (ii) there are numerous existing on-street public car parking spaces near to the site (including within Bath Street between Stott Terrace and Stuart Terrace); and

in the context of the existing development of the site and locality a minimum of 13 parking spaces is expected to support the development and use as proposed. The reduced parking requirement is not expected to frustrate the objective of clause 6.5.1 of the Scheme.

3. The Development Consent Authority supports the granting of a variation with respect to clause 6.5.3 (Parking Layout) of the NT Planning Scheme, provided that its delegate is satisfied that any amended parking layout will be functional and allow safe and convenient access and egress to the site and parking spaces. Limited 'stacked' parking for staff may be considered.
4. Pursuant to section 51(e) of the *Planning Act, 1999* in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.
5. Pursuant to section 51(h) of the *Planning Act, 1999* in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified merits including:
 - a) The site is of adequate size and shape for the proposed use being sought;

- b) The site is located within the CBD providing easy access for community members;
 - c) The proposed use is considered to be an appropriate use for the building when taking into consideration the aesthetics and historical and cultural significance of the building and its location.
 - d) The community will benefit from the addition of specialist medical and dental practitioners.
6. Pursuant to section 51(j) of the *Planning Act, 1999* in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
7. Pursuant to section 51(m) of the *Planning Act, 1999* the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. The relevant roads and stormwater drainage authorities have not identified any concerns or requirements and the conditions of approval may be expected to assist in ensuring that the Power and Water Corporations requirements are duly addressed.
8. Pursuant to section 51(n) of the *Planning Act, 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. It is not envisaged that the proposed additions and alterations to medical clinic and offices will adversely impact on the amenity of adjoining properties or the locality.
9. Pursuant to section 51(r) of the *Planning Act, 1999* in considering a development application the Development Consent Authority (DCA) must take into account any potential impact on natural, social, cultural or heritage values. The DCA notes that the site is part of a declared heritage place (Alice Springs Heritage Precinct) and that the Heritage Council has agreed to proposed works on the property. The DCA expects:
- a) documentation demonstrating support in principle from the Heritage Branch of the Department of Tourism and Culture in relation to heritage values, for any revised plans; and
 - b) an advisory note on any permit issued; to assist in ensuring due recognition of heritage values.

ACTION: DAS to prepare letter of deferral. Delegate of DCA to exercise delegate subject to suitable response to deferral notice.

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

SUZANNE PHILIP
Chair

30 August 2019