



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 260 – WEDNESDAY 11 NOVEMBER 2020

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

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

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:20am and closed at 12:25pm

ITEM 1 FURTHER CONSIDERATION – OUTBUILDING ADDITIONS (SHED AND TWO CARPORTS) TO AN EXISTING DWELLING-SINGLE WITH REDUCED BUILDING SETBACKS TO FRONT & SIDE BOUNDARIES
PA2020/0162 LOT 2482 (8) GASON STREET, SUBURB OF GILLEN
APPLICANT STRATCO PTY LTD

Applicant Thomas Zampa (Stratco Pty Ltd) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3
0146/20 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 2482 (8) Gason Street, Suburb of Gillen, Town of Alice Springs for the purpose of outbuilding (carport and caravan shade structure) additions to an existing dwelling-single with reduced building setbacks to front and side boundaries, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
2. Stormwater is to be collected and discharged into the drainage network to the technical standards of, and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
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. 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 is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
2. The use of caravans for accommodation purposes is subject to the provisions of Clause 5.4.11 of the Northern Territory Planning Scheme 2020.
3. The Department of Environment, Parks and Water Security 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.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power

Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

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 reserve.
6. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
7. This permit will expire if one of the following circumstances applies:
 - (a) the development is 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. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which states - any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this *Act* applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject development application being submitted, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020.

It is noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect.

Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of Section 51, the application is required to be assessed against NTPS 2020. The application has been assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 2 October 2020).

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land and the "outbuilding" additions require consent under Clause 1.8 (When development consent is required). It is identified as permitted under Clause 4.2, however, the proposed development does not comply with the relevant development requirements set out in Part 5. Accordingly, pursuant to sub-clause (1)(b)(ii)(2) of Clause 1.8, the use and development requires consent and is "merit assessable".

Therefore, the strategic framework (Part 2 of the Scheme, including Alice Springs Regional Land Use Plan, which is relevant to this application), zone purpose and outcomes of Clause 4.2 (Zone LR – Low Density Residential), and

- Clause 5.2.2 (Building Heights in Alice Springs);

- Clause 5.2.4.1 (Parking Requirements);
 - Clause 5.2.6 (Landscaping);
 - Clause 5.4.2 (Residential Height Limitations);
 - Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures); and
 - Clause 5.4.6 (Private Open Space);
- need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 except for Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures).

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

The altered proposal (submitted by the applicant in response to the deferral) has been found not to be in accordance with:

- (a) Sub-clause 5 of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the NT Planning Scheme 2020 as the “building setback” of the:
 - existing carport / shade structure for caravan (west side of dwelling) is 0.2m (support columns and roof eave) to the west side boundary instead of the minimum 1.5m (support columns) and 0.6m (roof eaves);
 - proposed freestanding carport will be setback 1.625m (support columns and roof eaves) from the primary street boundary instead of the minimum 4.5m (support columns) and 3.6m (roof eaves).

It is considered that the variations to this clause are appropriate in this instance as the (altered) proposal is consistent with the purpose of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) and the criteria set out in sub-clause 1 as the:

- building materials, height, roof pitch and colours will provide visual integration with the design features of the existing dwelling-single and front boundary fence on the site;
- existing solid metal boundary fencing will partially screen the structures from the street and adjoining property;
- structures feature no external walls and are not expected to adversely impact the amenity of the locality in terms of building massing;
- existing streetscape (of Gason Street) features several (built) examples of carports with reduced building setbacks to primary street and side boundaries (as noted in Bookmark I of the DAS DIPL agenda report for the 08/07/2020 DCA meeting);
- applicant has provided a letter of “no objection” from the owner of Lot 2481 in relation to the reduced side building setback of the existing carport;
- the altered location and design of the proposed shed/garage is now fully compliant with Clause 5.4.3 of the NTPS2020

The considerations listed under Clause 1.10(4) do not apply to this application because the application became Merit Assessable under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.

4. Pursuant to section 51(1)(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. Subject to storm water drainage, erosion control and vehicle access arrangements to the development being managed, the physical characteristics of the land are considered suitable for the proposed development and the subject site is outside a modelled 1% AEP Defined Flood Area.
5. Pursuant to section 51(1)(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 notes that the applicant has responded to the deferral of the original application (as exhibited) by:
 - providing a letter of “no objection” from the owner of Lot 2481 (affected side neighbour) in relation to the reduced side building setback of the existing carport;
 - proposing an open sided carport at the front of the site with an increased building setback to the primary street boundary of a design that is more compatible with the streetscape;
 - altering the location and design of the proposed shed/garage so that it is now fully compliant with Clause 5.4.3 of the NTPS2020
6. Pursuant to section 51(1)(m) of the *Planning Act 1999*, 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 conditions of approval are intended to assist in ensuring:
 - Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity, sewerage and water services that apply to the development of the land; and
 - The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.
7. Pursuant to section 51(1)(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 revised development (as approved) is considered 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 LR (Low Density Residential).
8. The application was placed on public exhibition in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*. No public or local authority submissions were received during the exhibition period.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 2 **ALTERATIONS AND ADDITIONS TO EXISTING DWELLING-GROUP (UNIT 1)
WITH REDUCED BUILDING SETBACKS TO PRIMARY STREET BOUNDARY
PA2020/0315** **LOT 8361 (UNIT 1 / 111) CROMWELL DRIVE, SUBURB OF DESERT SPRINGS**
APPLICANT **JONATHON MELVILLE**

Jonathon Melville (Owner) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority varies the requirements of Clause 5.4.3 (Building
0147/20 Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory
Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consents
to the application to develop Lot 8361 (Unit 1 / 111) Cromwell Drive, Suburb of Desert
Springs, Town of Alice Springs for the purpose of alterations/additions to existing dwelling-
group (Unit 1) with variation to building setback to primary street boundary, subject to the
following conditions and for the following reasons:

CONDITION 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 plans publicly exhibited, but modified to show:
 - a) the correct positions of the registered boundary of Unit 1, associated fencing of Unit 1 and common property area on Lot 8361 (consistent with Unit Plan 95/70);
 - b) the road reserve (carriageway and verge) dimensions of Cromwell Drive (consistent with Survey Plans S93/31B and S93/31C);updated details of fence and landscaping positions and boundary locations and dimensions and common property are to be labelled on the drawings.

Response to the Condition Precedent may be submitted to the Development Consent Authority for consideration and/or endorsement C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with 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, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of, and at no cost to, the Alice Springs Town Council, to the satisfaction of the consent authority.
5. 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.
6. 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.

7. All air conditioning condensers associated with works approved by this permit (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. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.
2. Prior to applying for building approval, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries (of Lot 8361 and the unit boundaries of Unit Plan 95/70) of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the Building Regulations 1993.
3. Should the unit owner or Body Corporate wish to alter the registered unit entitlement and common property boundaries for the site (Unit Plan UP95/70), the Land Titles Office (Department of Attorney-General and Justice) ph 08 89997743 and DIPL Survey Services ph: 08 89955362 should be contacted to ascertain applicable legislation and associated processes.
4. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
5. 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.
6. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
7. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
8. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
9. This permit will expire if one of the following circumstances applies:
 - (a) the development is 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(1)(a) of the *Planning Act, 1999*, in considering a development application the consent authority must take into account the planning scheme that applies to the land to which the application relates.

The dwelling additions to the existing dwelling-group are consistent with the purpose of Zone LMR (Low-Medium Density Residential) of the NT Planning Scheme 2020, being to provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available. With the exception of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), the alterations/additions are compliant with all other provisions of the Scheme.

The consent authority grants a variation to:

- a) clause 5.4.3.1 (Buildings Setbacks of Residential Buildings and Ancillary Structures) of the NTPS 2020 to allow the wall of the additions to be constructed less than the required minimum setback distance from the primary street boundary, as:
 - (i) the proposed development will be partially screened from the Cromwell Drive street frontage by privacy screening consisting of solid metal fencing and landscaping;
 - (ii) it is expected to be compatible with the streetscape and surrounding development including residential buildings on the same site; and
 - (iii) it is not expected to:
 - have any discernible building massing impact on adjacent land or streets;
 - the streetscape or surrounding development; or
 - result in any overlooking of adjoining properties; or
 - have any discernible impact on breeze penetration to and through the site;or
 - be discordant with the LMR Zone 'Purpose' or 'Outcomes'.
2. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
 - a) the dwelling additions will provide additional space for current and future needs of residents;
 - b) amenity from the street frontage will not be adversely affected;
 - c) building height requirements are compliant;
 - d) side and rear building setbacks are compliant;
 - e) no views (from adjacent dwellings) will be obscured;
 - f) there will be no overshadowing or overlooking as a result of the development;
 - g) there were no public submissions received; and
 - h) The development may assist in stimulating the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application the 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 Department of Environment, Parks and Water Security have not identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.

4. Pursuant to section 51(1)(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.

Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Alice Springs Town Council, and the Power and Water Corporation's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.

5. Pursuant to section 51(1)(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.

The proposed development is of a form and scale expected to be compatible with the established streetscape and locality, and is not expected to have any significant impact on the amenity of neighbouring properties on account of reduced building setback to the primary street. Permit conditions may be expected to assist in ensuring that the development is integrated into the streetscape.

6. Pursuant to section 51(1)(p) of the *Planning Act* 1999 the 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; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide (referenced in the NTPS2020) promotes community safety through crime prevention principles in design. The development allows for passive surveillance opportunities, particularly the Golf Course area. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

7. Pursuant to section 51(r) of the *Planning Act* 1999 the 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* 2011.

There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

8. The application was subject to Local Notification (pink sign) in accordance with the *Planning Act* 1999 and *Planning Regulations* 2000. No public submissions were received.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 3 CHANGE OF USE TO PLACE OF WORSHIP (UNIT 1) WITH VARIATION FOR CAR PARKING
PA2020/0319 LOT 9225 (UNIT 1 / 2) GHAN ROAD, SUBURB OF CICCONE
APPLICANT HARVEST TIME MINISTRIES AUSTRALIA INC

Gerald and Kathy Green (Applicants) attended the meeting and spoke further to the application.

Submitter Darren Burton attended the meeting and spoke further to his submission.

RESOLVED
0148/20

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to develop Lot 9225 (Unit 1 / 2 Ghan Road), Suburb of Ciccone, Town of Alice Springs for the purpose of a change of use to a place of worship for the following reasons:

REASONS

Pursuant to section 51(1)(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.

1. The application seeks consent to change the use of part of the site (Unit 1 – previously approved as a warehouse, showroom and ancillary office) to a place of worship. The gross floor area of Unit 1 is approximately 359m². The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. Pursuant to Clause 1.8(1)(c), the proposed development requires consent and is identified as Impact Assessable. Therefore, pursuant to Clause 1.10(4)(c), in considering the application, the Development Consent Authority must take into account all of the following components of the NTPS2020:

- Alice Springs Regional Land Use Plan 2016;
- Central Alice Springs Area Plan;
- Clause 4.15 (Zone GI – General Industry) purpose and outcomes; and
- General and specific development requirements for a place of worship contained in Part 5 of the NTPS2020 relevant to the subject site and use:
 - Clause 5.2.2 (Building Heights in Alice Springs);
 - Clause 5.2.4 (Vehicle Parking);
 - Clause 5.2.6 (Landscaping);
 - Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV);
 - Clause 5.6.2 (Expansion of Existing Developments in Zones LI and GI)
 - Clause 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship)

No Overlays and associated requirements contained on Part 3 of the NTPS2020 apply to the subject site.

(a) The proposed development and use does not comply with the:

- purpose of Clause 5.2.4.1 (Parking Requirements) – which seeks to ensure that sufficient off-street car parking, constructed to a standard and conveniently located, is provided the proposed use of a site; and
- administration criteria outlined in sub-clause 1 of Clause 5.2.4.1 which specifies that consent authority *may consent to a use or development that is not in accordance with the table to Clause 5.2.4.1 only if it is satisfied the use or development is appropriate to the site having regard to the purpose of this*

clause and the potential impact on the surrounding road network and the amenity of the locality and adjoining property

There are 23 sealed and delineated car parking bays located in the common property at the front of the site with a further 4 spaces located at the rear of the site (accessible to the occupants of Unit 4 and Unit 6). Staff, customers/visitors to the five units (tenancies) on the site have shared use of the car parking located in the common property area. The application and additional information provided by the applicant did not demonstrate whether the Body Corporate for Unit Plan U2005/057 would allocate a specific number of spaces to Unit 1.

The consent authority notes the:

- original warehouse, showroom and ancillary office development of the site (approved by Development Permit DP04/0470 (as varied through DP04/0470A)) had an assessed shortfall of 3 car parking spaces;
- the change of use of Unit 4 to a dance studio (leisure and recreation use) approved by Development Permit DP19/0264 granted a further variation to car parking requirements;
- the availability of car parking spaces on Lot 9225 does not comply with the NTPS2020 requirements for proposed change of use to a place of worship.

The development application notes that the River of Life Church congregation currently consists of 28 people with approximately half of those members being picked up and dropped home by a church bus. The existing car parking areas on Lot 9225 cannot be expanded, and there is no confirmed off-site car parking spaces available or legal car parking spaces in the road reserves (Ghan Road / Whittaker Street) adjacent to the site. There is no provision for bus parking or drop off on the site. Public submissions identified that vehicles are currently competing for car parking spaces on Lot 9225 particularly after school, and on Saturday mornings due to the operating hours of two of the tenancies on the site i.e. Studio B Dance Studio and the Pool and Spa Doctor. The authority noted the applicant's submission that the place of worship would operate at times outside the business hours of the other uses on the site. However, that assumes that the existing uses will not expand their hours or change. Further, the applicant acknowledged that events such as bible study and weddings may occur at other times which could potentially conflict with the hours of operation of the existing businesses and that it did not want to restrict its possible hours of use. The Authority further noted the applicant had been in discussions to use a portion of the rail yard at Ghan Road/Whittaker Street for an 'as needs' basis, and indicated feedback has been positive. However, there was no concluded agreement and providing parking across a road used by heavy transport vehicles including road trains created problems of its own.

Noting the above considerations, the consent authority is not satisfied that the proposed place of worship use and associated off-street car parking arrangements is appropriate for the site and a variation to Clause 5.2.4.1 is not supported and a reduction in parking requirements (Clause 5.2.4.2) is also not supported in this instance.

- (b) The proposed development and use does not comply with the:
- Purpose of Clause 5.8.4 (Exhibition Centre, Place of Assembly and Place of Worship) - which seeks to ensure that...a place of worship
 - (a) *provides convenient vehicle access and does not interfere with the safe or efficient operation of the local road and footpath network;*
 - (b) *incorporates appropriate building and landscape design to ensure that there is no unreasonable loss of amenity for adjoining and nearby property;*

- (c) *is of a scale and intensity suitable to the site and is consistent with the prevailing and likely neighbourhood character in which the development is proposed; and*
- (d) *is operated to be considerate of the amenity of adjoining and nearby property*
- administration criteria outlined in sub-clause 1 of Clause 5.8.4 which specifies that the consent authority may consent to a place of worship that is not in accordance with sub-clauses 2 and 3 (of Clause 5.8.4) only if it is satisfied that it (ie: place of worship use) is consistent with the purpose of Clause 5.8.4 and the zone purpose and outcomes, and it is appropriate to the site having regard to such matters as its location, nature, scale and impact on surrounding amenity.

The application to change the use of Unit 1 to a place of worship proposes an “impact assessable” land use which the consent authority has assessed as being incompatible with

- the Zone Purpose for Zone GI which is to *provide for industrial developments that require separation from more sensitive uses as the nature of activities may detrimentally impact on the amenity of the locality, in locations with access to services and transport networks capable of supporting heavy industry.*
- Zone Outcome 4 for Zone GI which is – *any other non-industrial activities may only be established where they do not compromise or conflict with the ongoing primary use of the locality for industry purposes.*

The existing vehicle access to the site and car parking area will be used and no upgrades to landscaping or the building exterior were identified within the application. Public submissions and the Alice Springs Town Council have identified concerns with respect to vehicle access to the site and management of car parking and vehicle movements.

The Authority also notes that the reverse amenity consideration in the application has essentially focussed on car parking with little, if any, consideration given to potential reverse amenity impacts from noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise, which may, through the Zone GI policy and outcomes, legitimately occur in GI zones.

The Authority further notes that the applicant proposes the place of worship will primarily be used Sunday mornings with bible study and other activities intended to occur at other times. The Authority however considers that, as the GI Zone is intended for potentially intense industrial activity operating up to 24 hours a day, any time limitations proposed cannot eliminate reverse amenity issues from potentially arising and complaints from the place of worship being made as a result.

The Authority has considered whether imposing a time limited consent of five years or less could address the issue of reverse amenity in general, in that if there were reverse amenity impacts during the period of the consent, the time limit would end the place of worship’s use within whatever timeframe was applied. A time limited consent however is not considered desirable as it will not address any reverse amenity issues that arise during the period of the consent.

The Authority notes that the subject lot is in close proximity to other GI zoned premises with no potential for the proposed place of worship to be sited so as to make it less susceptible to reverse amenity issues. Further, not only is granting consent for a few years for a use, which is likely wanted for longer, undesirable -

particularly in terms of certainty - but also it sets a precedent of allowing a potentially incompatible use within Zone GI.

It is also noted that the land available in Zone GI in this particular area is limited and to place a potentially incompatible use within it would not be the highest and best use of the land.

The Authority also notes that there is no planning scheme amendment to rezone the land or update the Area Plan currently proposed for this area, suggesting that it is not an area identified for land use change anytime in the near future and is expected to continue to provide suitable land for general industrial purposes.

For these reasons, the Authority is of the opinion that the place of worship does not meet the purpose of Zone GI in that it is an unsuitable use within this location, particularly as the amenity could be compromised due to the changing operations of the adjacent buildings (as well as tenancies within the subject site) to a number of more intensive uses permitted within Zone GI which would be at odds with the administration of the NTPS2020 and *Planning Act 1999* which amongst other things, seeks to ensure that strategic planning is implemented to individual planning decisions.

- (c) The proposal does not satisfy the intent for development sought through the Strategic Framework contained in Clause 2.4 of the NT Planning Scheme 2020. Specifically, the proposal is not considered to satisfy the Central Alice Springs Area Plan which seeks to:
- protect the role of the existing service commercial and industrial area as a local employment hub in central Alice Springs, and encourages the continued transition to the provision of locally accessible service industries; and
 - maintain the service commercial and industrial land use mix.
2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act.

Three (3) public submissions were received during the exhibition period and all identify opposition to the application with regards to inadequacy of on-site car parking spaces to service the use. Concerns were also identified regarding safety issues for children being dropped off and picked up from the Ghan Road street reserve and there are potential losses to businesses as customers cannot park on site. The Alice Springs Town Council also provided comment as the local authority, suggesting that, as the Ghan Road/Whittaker Road intersection is heavily used by road trains, a Traffic Management Plan was warranted.

The Authority has taken into account the submissions received, the applicant's written response to the submissions and the verbal evidence provided by the applicant, submitter (Darren Burton) and Alice Springs Town Council representative at the 11 November 2020 hearing of the application.

3. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the potential impact of development on the existing and future amenity of the area in which the land is situated. The potential impact on the existing and future amenity of the area in which the land is situated has been discussed in detail above (Reason 1). In summary the Authority considered that the proposed use of a place of worship in this location would adversely impact on, and be adversely impacted by, the existing and future amenity of the area.

4. Pursuant to section 51(1)(t) of the *Planning Act 1999*, in considering a development application, the consent authority must take into account other matters it thinks fit.

A late letter in response to the application was received from Bowey Enterprises Pty Ltd TA Studio B School of Dance, identifying concerns with respect to availability of car parking spaces on Lot 9225 (to service the proposed change of use) and traffic movements to, from and within the site.

The Authority accepted the letter for information rather than as a submission under section 49 of the *Planning Act 1999*, which was taken into consideration when determining the application.

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS to prepare a Notice of Refusal

**ITEM 4 ALTERATIONS AND ADDITIONS TO INDUSTRY-GENERAL WITH
CONSTRUCTION OF TWO SHED, ANCILLARY OFFICE AREA, ROOMING
ACCOMMODATION AND UPGRADING OF CAR PARKING AREAS
PA2020/0325 LOT 1008 (33) PRIEST STREET, SUBURB OF CICCONE
APPLICANT ZONE A PTY LTD**

Aaron Hester from Zone A Pty Ltd (applicant) and Jeremy Loudon (representing the land owners) attended the meeting and spoke further to the application. Aaron Hester tabled a number of photographs of the site and perspective drawings showing some different landscaping and fencing concepts for the front of the site.

Dilip Nellikat, for Alice Springs Town Council attended the meeting and spoke further to the Council's submission.

**RESOLVED That the Development Consent Authority varies the requirements of clause 5.2.4.4
0149/20 (Parking Layout), clause 5.2.6 (Landscaping) and clause 5.6.1 (Setbacks and
Building Design Requirements in Zones LI, GI and DV) of the Northern Territory
Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*,
consents to the application to develop Lot 1008 (33) Priest Street, Suburb of Ciccone,
Town of Alice Springs for the purpose of alterations and additions to industry-general
development including construction of 2 sheds, ancillary office, ancillary rooming
accommodation (3 single rooms) and upgrading of car parking areas, subject to the
following conditions and for the following reasons:**

CONDITION 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 plans publicly exhibited, but modified to:
 - a) Include an amended fencing and landscaping plan detailing all boundary and internal fencing and landscaping, designed to better respond to clause 5.2.4.4.3(f) (Parking Layout - sight lines) and clause 5.2.6 (Landscaping) of the NT Planning Scheme 2020 and in particular, provide suitable sight lines

and enhance the amenity of the streetscape and locality. Landscaping and fencing must:

- (i) provide satisfactory sight lines for vehicles entering and exiting the site (written support from the Alice Springs Town Council in relation to amended design with respect to proposed sight lines is required);
- (ii) include a 1 metre wide (minimum width) landscaped strip between the front boundary and the front car parking area, extending from the southern side boundary to the southern side of the site access. The landscaped strip must:
 - include predominantly low shrubs and/or hedge (species with a typical mature height of no less than 1m and no more than 3m is envisaged); and
 - provide planting such that it is readily visible from the street, either, by locating it to the street side of the front fencing or by providing ‘open type’ fencing on the front boundary, with planting inside of the fence line; and
 - be watered by an in-ground reticulation system; and
- b) Include detail of building setbacks and elevations for the front and central carports; and
- c) Include a floor plan showing kitchenette/living area and store in southern demountable building (instead of 3 accommodation rooms) and shading (e.g. shade sail or equivalent) over outdoor sitting area between the demountable structures.

The consent authority notes the Alice Springs Town Council’s (Council) invitation to the land owners regarding the opportunity to undertake supplementary landscaping within the road reserve adjacent to the site and encourages the owners to ‘consult / liaise with’ Council with a view to exploring additional landscape options that may achieve mutually beneficial amenity and road reserve usage and safety outcomes.

Response to the conditions precedent may be submitted to the Development Consent Authority for consideration and/or endorsement C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.
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. 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.
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 respectively (as relevant), to the satisfaction of the consent authority.

7. The kerb crossover and driveway to the site approved by this permit is to be provided to the requirements and technical standards of the Alice Springs Town Council respectively (as relevant), to the satisfaction of the consent authority.
8. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Before the issue of a Certificate of Compliance (under section 65 of the *Planning Act 1999*) can be issued, the driveway and parking area must be
 - a) constructed;
 - b) properly formed to such levels that it can be used in accordance with the plans;
 - c) sealed and line-marked;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. Before a Certificate of Compliance (under section 65 of the *Planning Act 1999*) for the development can be issued, the landscaping and fencing works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
11. 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.
12. Storage and collection of garbage and other solid waste must be screened from public view to the satisfaction of the consent authority.
13. All air conditioning units (including any evaporative or condenser units) on the front (2 storey) building 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.
14. Rooming accommodation use is to be limited to short term stays for visiting workers being accommodated at the owners' expense and must not be used for commercial accommodation purposes. This condition is to the satisfaction of the consent authority.

NOTES

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.
2. 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.
3. Power and Water has essential water and sewer infrastructure within the road reserve adjacent to Lot 1008. The developer is advised to take all necessary precautions including seeking direction from geotechnical experts to ensure the

surrounds and foundations of PWC's assets are not undermined during construction. The developer will be fully liable for any damages or undermining of any PWC assets during construction.

4. The developer must contact Power and Water regarding temporary installation of cranes in the road reserve prior to building construction (if applicable). The developer must propose structural protection of existing PWC assets affected by cranes and crane foundations, then obtain approval from PWC (and other service providers) prior to tower installation of the cranes in the road reserve.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council
7. 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>
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. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
10. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.
11. Information regarding erosion and sediment control for can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at www.austieca.com.au and the Department of Environment Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets

available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

REASONS

1. Pursuant to section 51(1)(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.
2. The application seeks consent to allow alterations and additions to an industry-general development including construction of 2 sheds, ancillary office, ancillary rooming accommodation (3 single rooms) and upgrading of car parking areas. The Northern Territory Planning Scheme 2020 (NTPS2020) applies to the land to which the application relates. Pursuant to Clause 1.8(1)(c), the proposed development requires consent and is identified as Impact Assessable. Therefore, pursuant to Clause 1.10(4)(c), in considering the application, the Development Consent Authority must take into account all of the following components of the NTPS2020:
 - Alice Springs Regional Land Use Plan 2016;
 - Clause 4.15 (Zone GI – General Industry) purpose and outcomes; and
 - General and specific development requirements for a place of worship contained in Part 5 of the NTPS2020 relevant to the subject site and use:
 - Clause 5.2.2 (Building Heights in Alice Springs);
 - Clause 5.2.4 (Vehicle Parking);
 - Clause 5.2.6 (Landscaping);
 - Clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV);
 - Clause 5.6.2 (Expansion of Existing Developments in Zones LI and GI);
 - Clause 5.4.7 (Communal Open Space);
 - Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling Multiple, Rooming Accommodation and Residential Care Facility)

No Overlays and associated requirements contained on Part 3 of the NTPS2020 apply to the subject site.

The consent authority granted variation/s to:

- b) clause 5.2.4.4 (Parking Layout) of the NTPS 2020 to allow:
 - (i) A driveway to be narrowed to 5.65m instead of a minimum of 6m minimum in 1 place, as:
 - most of the driveway exceeds the 6m minimum width;
 - the driveway as approved is expected to allow safe and convenient access to and from parking spaces; and
 - (ii) Parking spaces setback 1m from front boundary instead of a minimum of 3m.

Substantial additional planting along the southern part of the front boundary and visible from the street is required, with a view to ensuring a satisfactory response to the requirements of clause 5.2.4.4 and the purpose and requirements of clause 5.2.6 (Landscaping) and assisting in enhancing the streetscape.

The variation to sub-clause 5.2.4.4.3(i) as approved, is not expected to result in any adverse impact on the local road network or internal functionality of the car parking area.

- c) Sub-clause 5 of Clause 5.2.6 (Landscaping), of the NTPS 2020 to allow a reduced landscape provision to the street frontage, as:

- (i) The proposed development, as approved, is not expected to frustrate the zone purpose or outcomes on account of proposed non-compliant landscape provision.
 - (ii) The variations are granted subject to a requirement for substantial planting to the front of the site with a view to enhancing the amenity of the streetscape and assisting in integrating the development into the streetscape; and
 - (iii) The consent authority is satisfied that the conditions of approval will reasonably ensure a suitable landscape response in terms of the *Planning Act 1999* and NTPS 2020.
- d) clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) clause 5.2.4.4 (Parking Layout) of the NTPS 2020 to allow reduced setbacks as:
- (i) the new front building will replace an existing building with no front setback;
 - (ii) the rear building abuts vacant open space (hill) with no amenity impact envisaged);
 - (iii) the reduced side setbacks for a carport and demountable structure are not expected to have any adverse impact for any property or the streetscape; and
 - (iv) The proposed development is not expected to frustrate the zone purpose or outcomes on account of proposed non-compliant building setbacks. The application proposes an architecturally designed development that may be expected to contribute to an enhanced streetscape. The provision of a narrow planted strip to the front of the front carport may be expected to further enhance the streetscape.
3. Pursuant to section 51.1(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and no public submissions were received. The Alice Springs Town Council made a submission in its capacity as local authority advising that it could not support the proposed rooming accommodation use of demountable structures. The consent authority is satisfied that the proposed rooming accommodation, as approved, will support an acceptable level of amenity for occasional accommodation of 'fly-in/fly-out' workers, noting that the number of accommodation rooms has been reduced to 3 and that the design is proposed to be revised to include a kitchenette/living area and shaded outdoor seating area.
4. Pursuant to section 51.1(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application contended the following:
- a) The proposed development will correct the mistake of the existing shed being built within the Priest Street road reserve;
 - b) The proposed development will reduce dust created on the site by the installation of additional sealed driveways;
 - c) The proposed development will improve the existing streetscape by the demolition of the existing dilapidated shed and replacing it with a new modern building that is purpose designed to suit the business operations; and
 - d) Create a potential Teppa Hill access point for emergency services in the event of a fire on the adjoining property.
5. Pursuant to section 51.1(j) of the *Planning Act 1999*, in considering a development application the 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. Subject to compliance with conditions of approval, the proposed development is not expected to have any undue impact on the physical characteristics of any other property.

6. Pursuant to section 51.1(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. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the service authority interests are duly recognised and that the development is serviced in an orderly manner.
7. Pursuant to section 51.1(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. The proposed development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to landscaping and screening or air-conditioning units may be expected to assist in providing improved amenity for occupants and ensuring that the development is integrated into the streetscape.
8. Pursuant to section 51.1(p) of the *Planning Act 1999* the 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; and
 - (iii) access for persons with disabilities.

While section 51.1(p) is not applicable to the Industry General development, it is noted that the main front building includes first floor Class 5 (Office) building elements which may require access for persons with a disability under the National Construction Code. The design appears only to include stairway access to the first floor. Personal access requirements will need to be addressed as part of the building approvals process.

Pursuant to section 51.1(r) of the *Planning Act 1999* the 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 2011*. There are no known natural, social, or heritage values on the site or in the immediate surrounding area that may be expected to be adversely affected by the proposed development.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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

ITEM 5 CHANGE OF USE TO PLACE AND COMMUNITY CENTRE IN TWO STAGES, INCLUDING ALTERATIONS AND ADDITIONS TO AN EXISTING BUILDING
PA2020/0302 LOT 1033 (37) STUART HWY, SUBURB OF STUART
APPLICANT KATANOO PTY LTD

Ben Matson (Christian Family Centre Inc) attended the meeting and spoke further on the application. Milan Tompich (Facilities Manager Christian Family Centre Inc) and Jacobus Pienaar (Katanoo Pty Ltd) attended the meeting via telephone and spoke further to the application.

Dilip Nellikat, for Alice Springs Town Council attended the meeting and spoke to the application.

RESOLVED
0150/20

That the Development Consent Authority varies the requirements of clause 5.2.4.1 (Parking Requirements), clause 5.2.4.4 (Parking Layout), clause 5.2.6 (Landscaping), clause 5.4.12 (Dwelling-Caretakers) and clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act 1999*, alters the application and consents to the application as altered, to develop Lot 1033 (37) Stuart Highway, Town of Alice Springs for the purpose of place of worship and community centre in two stages, including alterations and additions to an existing building and dwelling-caretakers with a floor area in excess of 50m² and rooming accommodation (2 rooms within the dwelling-caretaker building), subject to the following conditions and for the following reasons:

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 plans publicly exhibited, but modified to:
 - a) Include a fencing and landscaping plan detailing all boundary and internal fencing and landscaping, designed with regard to clause 5.2.6 (Landscaping) of the NT Planning Scheme 2020 and with a view to:
 - (i) contributing to the amenity of the streetscape and the site for occupants once established (provision of a minimum of 2 trees and / or shrubs within the frontage setback is envisaged);
 - (ii) providing improved passive surveillance opportunities at ground level; and
 - (iii) providing improved sight lines for vehicles entering and exiting the site; and
 - b) Show the existing shade structure between the front boundary and the community centre building (unless it is proposed to be removed);
 - c) Provide a revised parking layout that complies with the minimum length and width dimensions for parking spaces and (if practicable) includes an additional on-site parking space; and
 - d) Identify the 2 rooms to be used for the purpose of rooming accommodation.
- (Note: a complete set of plans is required for each of the 2 stages).
2. A schematic plan is required to be endorsed by the consent authority prior to commencement of works. The plan must demonstrate the on-site collection of stormwater and how stormwater not retained on the site will be discharged into the drainage network. Written support (in principle) of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and Alice Springs Town Council respectively in relation to the stormwater drainage concept plan is to be provided prior to endorsement by the consent authority.

3. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report for the proposed development, in accordance with the Austroads Guide to 'Traffic Management Part 12: Traffic Impacts of Development' is required to be prepared by a suitably qualified traffic engineer. The Report must detail the development's traffic generation, trip distribution, traffic operation impact, the nature and timing of impacts, and recommended measures required to accommodate and/or mitigate the traffic impacts of the development, including construction traffic. The impacts of the development on public transport facilities, pedestrian and cycle facilities shall also be assessed. The report is to the technical requirements of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division), to the satisfaction of the consent authority.

Responses to the conditions precedent may be submitted to the Development Consent Authority for consideration and/or endorsement C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au.

GENERAL CONDITIONS

4. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
5. The development may be completed in 2 stages, subject to all relevant requirements being met for each stage.
6. 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 shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time.
7. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.
9. Stormwater is to be retained on the site and/or collected and discharged into the drainage network to the technical standards of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and Alice Springs Town Council respectively (as relevant), to the satisfaction of the consent authority.
10. The kerb crossover and driveway to the site approved by this permit is to be provided to the requirements and technical standards of the Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division) and at no cost to the Department, to the satisfaction of the consent authority.
11. 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 Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division), to the satisfaction of the consent authority.

12. Where unfenced, the Stuart Highway Road frontage is to be appropriately fenced in accordance with the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics' standards and requirements to the satisfaction to the consent authority.
13. Before the issue of a Certificate of Compliance (under section 65 of the *Planning Act 1999*) for a stage of the development is issued, the driveway and parking area must be
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) (Stage 1) surfaced with compacted road base, gravel or equivalent with parking spaces clearly delineated, except for disabled accessible parking which must be sealed; and
 - d) (Stage 2) sealed with parking spaces;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
14. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
15. Before the issue of a Certificate of Compliance (under section 65 of the *Planning Act 1999*) for a stage of the development is issued, 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.
16. Storage and collection of garbage and other solid waste must be screened from public view to the satisfaction of the consent authority.
17. All air conditioning units (including any evaporative or condenser units), for the approved additions 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.
18. Rooming accommodation use:
 - a) is to be:
 - (i) ancillary to the community centre and or place of worship uses; and
 - (ii) limited to short term stays for visitors being accommodated at the owners' expense; and
 - b) must not be used for commercial accommodation purposes.
This condition is to the satisfaction of the consent authority.

NOTES

1. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.
2. A "Permit to Work Within a Road Reserve" may be required from the Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics) before commencement of any work within the road reserve.

3. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
4. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
5. 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 aurally) within the subject lot.Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stuart Highway road reserve. The location and details of the sign(s), including those of the supporting structure, as shown on the endorsed plans, must not be altered without the further consent of the consent authority.
6. Any floodlighting or security lighting provided on site is to be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Stuart Highway traffic.
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.

REASONS

Pursuant to section 51(1)(a) of the *Planning Act 1999* (the Act), 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.

1. The application was assessed against the requirements of the Act and the requirements of the Northern Territory Planning Scheme 2010 (NTPS 2020). The proposed development as approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality with due regard to Zone Outcomes for Zone LI (Light Industry). The consent authority acknowledged the previous use of the site as a club and noted that the proposed use was not expected to compromise the ongoing operation or viability of surrounding industrial activities or integrity of the zone.

The site is located on the fringe of a defined flood area, however, the dwelling-care takers will comply with clause 3.6.5(b) of NTPS 2020 and the proposed development and use is not expected to frustrate the purpose of the clause.

The consent authority granted variation/s to:

- a) clause 5.2.4.1 (Parking Requirements), of the NTPS 2020 to allow a reduced parking provision of 8 spaces instead of a minimum of 19 spaces for Stage 1 and 23 spaces for Stage 2, as:

- (i) the place of worship function is proposed to entail worship services on Sundays only, with limited attendance/visitation for community centre and other place of worship functions on weekdays and Saturdays envisaged, and noting that there is a substantial number of on-street parking spaces in the locality that may be expected to be available on Sundays for use in association with the place of worship;
 - (ii) the proposed operation of the centre includes offering (private) minibus and coaster bus services transferring attendees to and from the place of worship and community centre;
 - (iii) the uses are established and are not known to have resulted in any significant amenity impact on the amenity of the locality on account of the limited on-site parking, which closely reflects the proposed parking layout; and
 - (iv) the proposed on site car parking arrangements are expected to reasonably service the proposed development and use as outlined in the application.
- b) clause 5.2.4.4 (Parking Layout) of the NTPS 2020 to allow:
- (iii) A driveway to be narrowed to 5m instead of a minimum of 6m minimum in 2 places, as:
 - most of the driveway exceeds the 6m minimum width;
 - design options are constrained by existing infrastructure; and
 - the driveway is existing and is expected to allow safe and convenient access to and from parking spaces.
 - (iv) Driveway and parking areas to be constructed of compacted road base, gravel or equivalent, instead of sealed for Stage 1, to allow completion of Stage 2 works prior to sealing of the driveway and parking area in order to avoid damage to the surface during Stage 2 construction.
- c) clause 5.2.6 (Landscaping), of the NTPS 2020 to allow a reduced landscape provision, as:
- (i) existing conditions substantially constrain design options;
 - (ii) compliance could not be achieved without significant redesign; and
 - (iii) the consent authority is satisfied that the conditions of approval will reasonably ensure a suitable landscape response in terms of the *Planning Act 1999* and NTPS 2020.
- d) clause 5.4.12 (Dwelling-Caretakers) of the NTPS 2020 to allow a dwelling-caretakers with a floor area of approximately 102m² instead of a maximum of 50m², as the dwelling is:
- (i) of a scale and form that is expected to support the primary use in a manner that is unlikely to frustrate the zone purpose and outcomes; and
 - (ii) is considered unlikely to adversely impact on the streetscape, adjacent properties or the locality.
- e) clause 5.6.1 (Setbacks and Building Design in Zones LI, GI and DV) clause 5.2.4.4 (Parking Layout) of the NTPS 2020 to allow:
- (i) reduced secondary street and rear boundary setbacks for proposed additions, as:
 - the secondary street is effectively a 40m long pedestrian walkway through to the Charles Creek river reserve with no meaningful streetscape impact envisaged;
 - the rear setback variation is not expected to have any discernible or adverse impact for any other property or public space area;
 - the reduced setbacks are not expected to frustrate any purpose or provisions of NTPS 2020.

- (ii) a reduced primary street setback for an existing shade structure (height approximately 2.5m maximum), as the shade structure is considered to offer amenity for attendees and staff at the community centre and is not considered to have any discernible adverse amenity impact on the streetscape or any other property.

2. Noting that:

- the proposed dwelling-caretakeers included a rooming accommodation component that contributed to the need for a floor area greater than 50m²;
- the proposed use of the rooming accommodation as described in the application is to accommodate visitors to town for short periods of time and on a non-commercial basis ancillary to the place of worship and community centre uses; and

having regard to provisions of clause 5.4.8 Building Design for Dwelling-group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility of NTPS 2020, the consent authority decided to alter the description of the development purpose to include rooming accommodation, to better reflect the proposed use/s, as defined under NTPS 2020.

3. Pursuant to section 51.1(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was publicly exhibited and no public submissions were received. The Alice Springs Town Council did not make any submissions in its capacity as local authority.
4. Pursuant to section 51.1(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application contends and anticipates a range of community benefits of the community centre and place of worship. The proposed uses are considered and expected to contribute positively to range of services available to residents of Alice Springs and surrounding communities.
5. Pursuant to section 51.1(j) of the *Planning Act 1999*, in considering a development application the 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 proposed development is not expected to have any undue impact on the physical characteristics of any other property.
6. Pursuant to section 51.1(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. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the service authority interests are duly recognised and that the development is serviced in an orderly manner. The consent authority supports the request by the Department of Infrastructure, Planning and Logistics for the preparation of a Traffic Impact Assessment due to the location and to ensure any potential detailed traffic and access requirements are addressed.
7. Pursuant to section 51.1(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. The proposed

development is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to landscaping and screening or air-conditioning units may be expected to assist in providing improved amenity for occupants and ensuring that the development is integrated into the streetscape.

8. Pursuant to section 51.1(p) of the *Planning Act 1999* the 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; and
 - (iii) access for persons with disabilities.

The Community Safety Design Guide community promotes safety through crime prevention principles in design, including through lighting and provision of passive surveillance opportunities. The proposed dwelling-caretakers is expected to provide good passive surveillance opportunities. It is envisaged that improved sight lines adjacent to the site access/egress and provision of additional 'open' type fencing at the front of the site would further contribute to improved passive surveillance opportunities.

While the application does not clearly detail how accessibility for persons with a disability will be achieved, this will need to be addressed as part of the building approvals process.

9. Pursuant to section 51.1(r) of the *Planning Act 1999* the 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 2011*. There are no known natural, social, or heritage values on the site or in the immediate surrounding area that may be expected to be affected by the proposed development.

FOR: 4 AGAINST: 0 ABSTAIN: 0

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
17 November 2020