



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 274  
WEDNESDAY 9 NOVEMBER 2022**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Chris Neck, Deepika Mathur,  
Allison Bitar

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Chay Garde, James Calder, Kieran Marsh, Jennie Ryan

**COUNCIL REPRESENTATIVE:** Matt Raymond

**Meeting opened at 11:15 am and closed at 12:15pm**

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 CHANGE OF USE FROM LEISURE AND RECREATION TO MEDICAL CLINIC  
(RADIOLOGY) AND OFFICE TO MEDICAL CLINIC (ALLIED HEALTH)  
PA2022/0326 LOT 5775 (8) GREGORY TERRACE, TOWN OF ALICE SPRINGS  
APPLICANT CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING

Alex Deutrom (Cunnington Rosse Town Planning and Consulting) attended the meeting via video conference and spoke further to the application.

**RESOLVED** That, the Development Consent Authority reduce the car parking requirements  
**28/22** pursuant to Clause 5.2.4.2 (Reduction in Parking Requirements outside of Zone  
CB in Darwin) 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  
5775 (8) Gregory Terrace Town of Alice Springs for the purpose of Change of use  
from leisure and recreation to medical clinic (radiology) and office to medical clinic  
(allied health), subject to the following conditions:

#### CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) signs and arrows directing pedestrian movement on site
  - (b) An additional accessible carparking space designed to the relevant Australian Standard (clearly marked with a wheelchair symbol) to be provided.

#### GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The *use and/or development* as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Before the *use or occupation of the development* starts, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans and provide safe and convenient parking;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained sufficiently so as to prevent the pooling of water;
  - (e) line marked to indicate each car space and all access lanes;
  - (f) developed with a wheel stop at each car space;
  - (g) clearly marked to show the direction of traffic along access lanes and driveways, and

- (h) clearly marked to show pedestrian access and egress points to the satisfaction of the consent authority.
4. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (visitors/ clients).
  5. The landscaping shown on endorsed plans PA2021/0323/1 to PA2021/0323/11 must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
  6. Before the use commences, in accordance with section 70(5) of the Planning Act 1999, written confirmation must be provided confirming that a monetary contribution, in-lieu of providing two (2) car parking spaces, has been paid to the Alice Springs Town Council as per General Condition 4 of Development Permit DP21/0301. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act 1999.
  7. 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 plans in accordance with the authorities' requirements and relevant legislation at the time.
  8. Provision must be made on the land for the storage and collection of garbage and other solid waste. All waste storage and collection areas must be effectively visually screened from the adjacent streets.

## NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (water.development@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.
2. 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.
3. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves.
4. 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.

5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory Building Act 1993 before commencing any construction works.
6. The applicant is advised to engage a Northern Territory registered building certifier to ensure that the intended use of any existing buildings or structures is permitted by occupancy certification in accordance with the Building Act 1993.
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.

## REASONS

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

The NT Planning Scheme 2020 applies to the land and Medical Clinic requires consent under Clause 1.8 (When development consent is required). It is identified as *Merit Assessable* under Clause 1.8.1(b)(i)&(iv) and therefore the Authority must consider the requirements in Part 5 that are not complied with and whether the proposal meets the purpose of the requirements. Except for Clauses:

5.2.4 Vehicle Parking;

5.2.6 Landscaping;

the Authority considers the proposal is compliant with all development requirements of NTPS 2020. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NTPS 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 to the purpose and administration clauses of the requirement.

The proposal has been found not to be in accordance with Clause 5.2.4 Vehicle Parking because the proposal will result in less carparks than what is required by the NTPS2020. The proposal is required to provide 29 car parking spaces onsite, where only 17 car parking spaces are available. The application does not show provision of additional car parking spaces.

It is considered that a variation to this clause and a reduction in parking is appropriate in this instance because the proposal is consistent with the purpose of Clause 5.2.4.2 - Reduction in Parking Requirements outside of Zone CB in Darwin, which allows for "the consent authority may consent to a use or development with fewer car parking spaces than required by column 2 of the

table to clause 5.2.4.1 (Parking Requirements) if it is satisfied that a reduction is appropriate for the use or development, having considered all the matters at sub-clause 2.” The application has demonstrated that, as per the requirements of subclause 2 of Clause 5.2.4.2, a reduction is appropriate due to the zoning of the land and the proposed use and the sufficient provision of car parking spaces and public transport in the vicinity of the land. Further, no comment from ASTC expressed concern with the proposed lack of provision of parking provided that the applicant demonstrates that they have previously paid an in-lieu monetary contribution to the Council. A condition for the applicant to provide proof of payment has been recommended to ensure efforts being made by Council to address parking in the Alice Springs CBD and the applicant’s compliance with the Alice Springs Town Council Parking Contribution Plan (as per Clause 68 of the Northern Territory Planning Act 1999). Improving parking offsite is considered a reasonable alternative as the scope for additional parking on lot 5775 is constrained.

The proposal has been found not to be in accordance with Clause 5.2.6 Landscaping because the application did not propose a landscape or landscape management plan and did not provide information on the current landscaping onsite. The existing landscaped areas are currently overgrown with weeds, full of litter and dead vegetation and there is no evidence it is being maintained as per condition six of DP21/0301. DP21/0301 applies to the same units as the subject application (PA2022/0326). The reimposition of the condition through the recommended development permit seeks to remind the land owner of their legal obligations to maintain the landscaping.

Further non-compliance with Clause 5.2.6 Landscaping is apparent in the application’s failure to propose upgrades to the paved areas surrounding the car park and subject units. The paved areas do not provide a safe environment and improved wayfinding signage will assist pedestrians with orientation onsite and improve safety.

2. That the proposal, with amended plans as recommended by this report, will meet the relevant requirements as set out in Part 5 of the NTPS2020 and comply with the Purpose and Outcomes of Zone CB.
3. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.
4. The likely increased visitation of the site for those seeking medical assistance as a result of the change of use, and the increased demand for power can be accommodated onsite should the development be designed appropriately. The current building, purpose built for offices in 1979, is not of a suitable design to support a tenancy where the main uses are all medical clinics. Amendments to the plans as imposed through the recommended permit conditions will increase the capability of the site to support the proposed change/intensification of use.
5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. In-lieu of providing the

parking required by Clause 5.2.4, safe and convenient vehicle and pedestrian access to and from the site will reduce any potential negative amenity impacts on the existing and future area. To demonstrate safe and convenient access, the application must be amended to show more legible entrances and level car parking.

**FOR: 4      AGAINST: 0      ABSTAIN: 0**

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

**ITEM 2                      DWELLING-GROUP (2 X 3 BEDROOM AND 2 X 2 BEDROOM) IN 2 SINGLE STOREY BUILDINGS**

**PA2022/0311    LOT 977 (3) HONG STREET, SUBURB OF GILLEN  
APPLICANT      TECON AUSTRALIA**

Kirk Pascoe, (Tecon Australia) attended the meeting via video conference and spoke further to the application. Steve Adler (Designer) and Paulo Morelli (Owners representative / developer) attended the meeting in person and also spoke further to the application.

**RESOLVED**      That, the Development Consent Authority vary the requirements of Clause 5.4.1  
**29/22**              (Residential Density Limitations) and Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings Longer than 18m) 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 977 (3) Hong Street, Suburb of Gillen, Town of Alice Springs for the purpose of dwellings-group (2 x 3 bedroom and 2 x 2 bedroom) in 2 single storey buildings, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
  - (a) Storage location/s (within the site) for garbage bins;
  - (b) Onsite storage space accessible to residents of the dwellings and additional to car parking areas;
  - (c) Common property areas and driveways unencumbered by structures;
  - (d) That 2 x designated car parking spaces can be provided for each dwelling (spaces to be shown on drawings);
  - (e) Swept paths for vehicle movements (to demonstrate functionality of car parking spaces and driveway);
  - (f) Removal of the structure at the rear of the site between unit 2 and unit 3.
  - (g) Pedestrian access doors for garages opening outwards (so as not to conflict with parking and associated access within the garages)

(h) Dimensions of roof eaves and gutters

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
3. 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.
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 shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.  
Please refer to notations 2, 3 and 4 for further information.
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. 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.
7. The car parking shown on the endorsed plan(s) must be available at all times for the exclusive use of the occupants of the development and their (visitors/clients).
8. Before the use/occupation of the development starts, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. The private open space areas of each dwelling shall be screened on each boundary by the erection of a solid wall or screen fence not less than 1.8 metres high (above finished ground level on Lot 977).
11. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
12. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
13. 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 (unit) 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. An Certificate of Compliance (section 65 of Planning Act 1999) will not be able to be granted until such time as addressing is obtained.”

14. 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](mailto:waterdevelopment@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)

## NOTES

1. 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 permitThe consent authority may extend the periods referred to if a request is made in writing before the permit expires.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and the Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
4. 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/>
5. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.



6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 2005 must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## 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 the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land which is zoned MR (Medium Density Residential).

The proposed development and use requires consent under Clause 1.8 (When development consent is required). "dwelling-group" is identified as 'impact assessable' under sub-clause 1(c)(i) of Clause 1.8 of the NTPS2020, and therefore pursuant to sub-clause 4 of Clause 1.10, the Development Consent Authority must take into account all of the following:

- (a). any relevant requirements, including the purpose of the requirements, as set out in Part 5
- (b). any Overlays and associated requirements in Part 3 that apply to the land;
- (c). guidance provided by the relevant zone purpose and outcomes in Part 4
- (d). any component of the Strategic Framework relevant to the land as set out in Part 2.

The application (as publicly exhibited) has not properly addressed the requirements of "Part 5" of the NTPS2020 in terms of design response, details shown on drawings (to demonstrate full compliance), identification of extent of variations being sought to "Part 5" requirements and how those variations may comply with sub-clause 5 of Clause 1.10 of the NTPS2020. Amending the plans as per the recommended condition precedent is considered to satisfactorily demonstrate compliance with the outcomes of the zone and relevant development requirements and will see a design outcome more in line with the surrounding built form and density.

2. 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 potential impact on amenity is assessed with reference to the purpose and administration statements listed in "Part 5" of the NTPS2020 as well as the definition of amenity within the *Planning Act 1999* which states that "amenity in relation to a locality or building, means any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable." The recommended redesign of the application is considered to ensure the built form of the proposed dwellings is consistent with the built form of the neighbouring areas. The improvement to the parking layout and waste disposal will see improved vehicular access to and from the site reducing

any negative impact on the function of Hong street and within lot 977 itself. Demonstrated storage area will improve the amenity onsite and support residents maximising the use of the proposal.

3. 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;

The land is considered capable of supporting the proposed residential development. The Authority noted that proposal is of a similar built form and density to neighbouring development and is a form of development expected in the Medium Residential zone. Further, no referral authorities raised any concerns with the application's potential impact on the connected service networks.

**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

06/12/2022