



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

### **MINUTES**

**MEETING No. 198 – WEDNESDAY 8 JULY 2015**

**DOUBLE TREE BY HILTON  
BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Denis Burke, David Koch and Steve Brown

**APOLOGIES:** Alistair Feehan

**OFFICERS PRESENT:** Ben Taylor, Fraser Cormack, Kirra Cox, Jennie Ryan and  
Kate Walker

**COUNCIL REPRESENTATIVE :** Dilip Nellikat

**Meeting opened at 10:50am and closed at 11:45am**

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

**ITEM 1            DEVELOPMENT – 30M HIGH TELECOMMUNICATIONS FACILITY WITH  
ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER  
LOT 10042, 10 GREVILLEA DRIVE, SUBURB OF SADADEEN, TOWN OF ALICE  
SPRINGS  
METASITE (AARON SLUZANOWSKI)**

The applicant did not attend the meeting. Development Assessment Services tabled a letter from the applicant (dated 06/07/2015) in response to matters raised in the assessment report.

**RESOLVED  
0055/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to develop Lot 10042, 10 Grevillea Drive, Suburb of Sadadeen, Town of Alice Springs for the purpose of a 30m high telecommunications facility with associated antennas and equipment shelter, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. 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.
3. 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.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services, to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
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. Access to and egress from the site for all vehicles (including during construction) must only be from the existing vehicle crossovers to Grevillea Drive.
7. All proposed works (including the provision or connection of services) within or impacting on Stott Terrace are to be in accordance with the standards and specifications of the Department of Transport. Drawings must be submitted to the Department of Transport for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

**NOTES:**

1. The Aboriginal Areas Protection Authority recommends that the permit holder

obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Land Resource Management.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. The Northern Territory Environment Protection Authority stipulates that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
6. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposal has been assessed against the requirements of the NT Planning Scheme and complies with the relevant clauses.
2. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. Due to the height and design of the telecommunications facility, the tower is expected to have some impact on the amenity of the existing and future amenity of the area irrespective of its siting on the property. The existing landscaping will offer some screening of the tower to minimise the impact on the adjacent and nearby road reserves, and residential

and community use sites.

3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The purpose of the development is to provide a telecommunication facility which will form part of Optus' network. The upgrade facilitated by this new development will enable improvements to the network coverage and capacity to the area and thereby ensuring a reliable delivery of mobile services to the area.
4. The application was placed on public exhibition in accordance with the requirements of the *Planning Act* and Planning Regulations. No public or local authority submissions were received during the exhibition period.

**ACTION:** Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – INDEPENDENT UNIT WITH REDUCED FRONT SETBACK TO PRIMARY STREET BOUNDARY AND FLOOR AREA EXCEEDING 50M<sup>2</sup> LOT 3574, 1 BACON STREET, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS MB BUILDING PTY LTD**

Mr Mark Brownless attended the meeting in support of the Application.

**RESOLVED  
0056/15**

That, the Development Consent Authority varies the requirements of Clause 7.3 (Building Setbacks for Residential Buildings) and Clause 7.10.4 (Independent Units) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 3574, 1 Bacon Street, Suburb of Gillen, Town of Alice Springs for the purpose of an independent unit addition to an existing single dwelling with a reduced setback to the primary street boundary and a floor area greater than 50m<sup>2</sup>, subject to the following conditions:

**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 must be drawn to scale with dimensions and be generally in accordance with the plans submitted with the application but modified to show the private open space area of the independent unit abutting the independent unit (ie: compliant with sub-clause 2 of Clause 7.5 (Private Open Space) of the NT Planning Scheme. The area set aside for private open space directly accessible from the dwelling must include a 5m x 5m envelope of land.

**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. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
5. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street to the standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
7. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.

NOTES:

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

5. The swimming pool and associated fencing on the site will need to comply with the requirements of the Swimming Pool Safety Act, the developer should contact the Swimming Pool Fencing Unit of the Department of Lands, Planning and the Environment for further information ( <http://www.lands.nt.gov.au/building/swimming-pool-fencing> ).

## REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, 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 development is consistent with the form of development reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme.
2. A variation is granted to the primary street boundary setback requirements of Clause 7.3 (Building Setback of Residential Buildings) of the Northern Territory Planning Scheme as:
  - the independent unit will:
    - not be in the direct line of sight of any neighbouring properties;
    - abut a garage on adjoining Lot 3550 (to the south) which has a zero building setback and brick wall to the shared boundary, no overlooking or building massing issues to the streetscape or adjacent land are anticipated;
  - The selected location of the independent unit is flat, unconstrained land and connections to power, water and sewer services to the building will be more cost effective and technically easier than other positions on the site;
  - The footprint of the existing single dwelling, carport and detached games room, swimming pool and mature landscaping on the site limit alternative options to locate the proposed development;
  - The scale of the independent unit in terms of floor area, building height, materials, roof pitch, colours and setbacks is considered compatible with the character of the existing single dwelling, streetscape and other development within the suburb of Gillen.
  - The subject site is located on a corner allotment and the abutting road reserves (Bacon Street and Spencer Street) are of equal width. If Spencer Street were deemed to be the “primary street”, then only a 2.5m minimum building setback distance would apply;
  - existing landscaping and solid fencing at the front of the site is being retained and will assist in lessening the visual impact of the development from the street and provide appropriate screening to adjacent properties;

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned design features and site conditions are considered to be sufficient special circumstances and justify the granting of a variation to Clause 7.3 of the Scheme.
3. A variation to the maximum floor area limitation set out in sub-clause 2(b)(i) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme is supported, as having regard to subclause 5 of Clause 7.10.4, the proposed development and use of the independent unit as detailed in the application is not expected to result in any significant impact on the amenity of adjoining or nearby properties in terms of noise, privacy or visual impacts and is appropriate to the site.

4. A variation to the requirement for only one vehicle access point to the road, unless the relevant authority has approved a second access, as set out in sub-clause 2(c) of Clause 7.10.4 (Independent Units) of the NT Planning Scheme is approved under this Development Permit, as having regard to condition 4, which requires the developer / landowner to gain approval for the second crossover from the Alice Springs Town Council.
5. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent. The consent authority having taken into account the matters contained in the development application, evidence given by the applicant at the meeting and the report prepared by Development Assessment Services
  - i) considered that no special circumstances for private open space that will not be directly accessible from the independent unit exist which would justify the consent authority granting a variation to the minimum standard of development set out in sub-clause 2 of Clause 7.5 (Private Open Space) of the NT Planning Scheme; and accordingly
  - ii) requires the application to be altered so that the private open space available to the independent unit will comply with the minimum standards for development set out in sub-clause 2 of Clause 7.5 (Private Open Space) of the NT Planning Scheme.
6. Pursuant to section 51(j) of the *Planning Act*, 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 other land, the physical characteristics of which may be affected by the development. The land is reasonably flat and the location of the independent unit on the site is not identified as being liable to inundation in a 1% AEP Defined Flood Event. The surrounding area has been developed for residential purposes and a single dwelling has been established on the site for over 40 years. As such, the land is considered capable of supporting the proposed development. The Department of Land Resource Management have not identified any concerns.
7. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the consent authority is required to take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose:
  - (a) The conditions of approval are expected to assist in ensuring the orderly servicing and development of the site by recognising the technical requirements of service authorities in terms of electricity, sewerage and water services, storm water drainage and vehicle access.
  - (b) Sub-clause 2(c) of Clause 7.10.4 of the NT Planning Scheme specifies that *an independent unit may be developed on a site provided that there is only one vehicle access point to the road, unless the relevant authority has approved a second access*. There are proposed to be two vehicle access points to the subject site, the Alice Springs Town Council has requested a condition be included on the Development Permit recognising Council's

requirements in terms of vehicle access to the site.

8. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated. Altering the proposal so that the private open space area of the independent unit complies with sub-clause 2(b) of Clause 7.5 (Private Open Space) of the NT Planning Scheme will ensure that the development achieves the purpose and objectives of Clause 7.5 and improve future amenity of occupants of the independent unit.
9. The application was public exhibited in accordance with the *Planning Act* and Planning Regulations and no public or local authority submissions were received.

**ACTION:** Notice of Consent and Development Permit

### ITEM 3

#### DEVELOPMENT – PARALLEL APPLICATION

- **CONSTRUCT A LIGHT INDUSTRY BUILDING AND ANCILLARY OFFICES AND OCCASIONAL OVERNIGHT ACCOMMODATION IN A TWO STOREY BUILDING WITH REDUCED BUILDING SETBACKS TO PRIMARY AND SECONDARY STREET BOUNDARIES AND UPGRADE EXISTING LIGHT INDUSTRY DEVELOPMENT**
- **UNIT TITLE SCHEME SUBDIVISION TO CREATE 5 UNITS AND A COMMON PROPERTY AREA**

**LOT 7720, 46 SMITH STREET, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS  
SUSAN DUGDALE & ASSOCIATES**

Susan Dugdale and Travis Mitchell attended the meeting in support of the application.

#### **RESOLVED 0057/15**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Paarking Layout), Clause 6.6 (Loading Bays) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 7720, 46 Smith Street, Suburb of Ciccone, Town of Alice Springs for the purpose of construction of a light industry building with ancillary offices and occasional overnight accommodation rooms (x2) and upgrading to 3 existing light industry tenancies and a motor repair station, subject to the following conditions:

#### 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 must be drawn to scale with dimensions and two copies must be provided.



The plans must be generally in accordance with the plans submitted with the application but modified to show:

Site Plan

- (a) sealing of all car parking areas and driveways on the site;
- (b) identification of outdoor storage areas within each tenancy area / proposed unit entitlement;
- (c) "Building 1" labelled as a "motor repair station";
- (d) "Buildings 2, 3 and 4" labelled as "light industry";
- (e) "Building 5" deleted from the drawings;
- (f) surface treatment of outdoor storage areas;
- (g) details of fencing to site and unit entitlement boundaries (locations, heights and building materials);
- (h) the proposed location of water meter arrangements and sewer access points

Landscaping Plan

- (a) existing vegetation (trees in the vicinity of street boundaries) to be retained;
- (b) landscaping and planting within the areas shaded in green on Drawing Number A03, dated 01/06/2015, prepared by Susan Dugdale & Associates (Project No. 428);
- (c) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity and quantities of each plant;
- (d) provision of an in ground irrigation system to all landscaped areas; and
- (e) all plant species selected must be to the satisfaction of the consent authority with a preference given to species endemic to central Australia.

Floor Plans

- (a) Dimensioned floor plans (including mezzanine / upper floor level/s) of Buildings 1, 2, 3 and 4 showing partitioning, room sizes and uses.

## 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 areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
  - (a) constructed;
  - (b) properly formed to such levels that they can be used in accordance with the plans;
  - (c) surfaced with an all-weather-seal coat;
  - (d) drained;
  - (e) line marked to indicate each car space and all access lanes; and
  - (f) clearly marked to show the direction of traffic along access lanes and driveways;to the satisfaction of the consent authority.  
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. Protective kerbs (of a minimum height of 150mm) must be provided to the satisfaction of the consent authority to prevent damage to fences or landscaped areas.

5. The loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading bays and must not disrupt the circulation and parking of vehicles on the land).
6. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.
10. 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.
11. All proposed works impacting on Smith Street and Brown Street are to be designed, supervised and certified in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
12. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority on advice from the Alice Springs Town Council.
13. 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.
14. 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.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage and electricity facilities to *the development* shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
16. All air conditioning condensers to "Building 6" (the new building) (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. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Aboriginal Sacred Sites Act*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
2. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the existing buildings on the land comply with the *Building Act* and associated Regulations.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development are available from Department of Land Resource Management.
6. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
7. The Northern Territory Environment Protection Authority advises that construction work should be conducted in accordance with the Authority's Noise Guidelines for Development Sites in the Northern Territory. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
8. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email ([info@ntbuild.com.au](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

REASONS FOR THE DECISION

1. In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, 'the consent authority may consent to the development of land that does not meet the standard set out in Parts 4 or 5 only if it is satisfied that special circumstances justify the giving of consent. The consent authority having taken into account the matters contained in the development application, evidence given by the applicant at the meeting and the report prepared by Development Assessment Services:
  - i) Considered it in the public interest for the motor repair station and light industry uses to provide car parking in a functional layout with a sealed surface and the consent authority found that no special circumstances exist which would justify the consent authority granting a variation to the minimum standard of development set out in sub-clause 3(b) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme; and accordingly:
  - ii) The consent authority requires the application to be altered so that the surface of the car parking and driveway areas comply the minimum standards for development set out in set out in sub-clause 3(b) of Clause 6.5.3 (Parking Layout) of the NT Planning Scheme.
2. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the consent authority is required to take into account the planning scheme that applies to the land to which the application relates. The new development is consistent with the form of development expected within Zone GI (General Industry) of the NT Planning Scheme. The existing works on the site are being partially upgraded to achieve closer compliance with the development provisions of Part 4 of the NT Planning Scheme in response to sub-clause 3 of Clause 11.1.4 of the Scheme.
3. The Development Consent Authority considers that a reduction in the calculated car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme from 52 to 28 car spaces for the use of the site (shown on the endorsed drawings) is supportable under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition of:
  - part of the shortfall is considered to be an over count of parking requirements on account of the submitted drawings not distinguishing "net floor area" from other "floor area" (floor plans showing "net floor areas", outdoor storage areas and room partitioning were not included with the application).
  - Provision of additional car parking bays may compromise the functionality of the car parking and driveway areas and adversely affect the visual amenity of the site.
  - In respect to car parking numbers, the applicant has assessed that based on the land use and net floor areas proposed, the proposed number of parking spaces would satisfy the empirical demand for car parking on site. This is partly based on the "motor repair station" being established on the site for several years and parking arrangements being managed effectively in its current arrangement. Any additions to the use will require further consent.
  - The existing works on the site are being partially upgraded to achieve closer compliance with the development provisions of Part 4 of the NT Planning Scheme in response to sub-clause 3 of Clause 11.1.4 of the Scheme;
  - Availability of public transport facilities within the vicinity of the site; and

4. Subject to the receipt of satisfactorily detailed drawings, a variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for a reduced landscaping buffer between the property boundary and the buildings and car parking areas as:
  - the shape and dimensions of the allotment, proposed car parking layout and footprints of existing buildings on the land constrain the ability for a 3m wide landscaped area to be established along the street boundaries to the site;
  - the developer proposes to landscape parts of the adjacent road reserves; and
  - the boundary fencing and existing and proposed landscaping on the site will partly screen the buildings and car parking areas from the public realm and achieve the objectives of the relevant clauses of the Scheme.
  
5. Variations to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme are granted to allow the reduced building setbacks shown on the endorsed drawings as:
  - When the existing buildings were constructed on the site, their building setback distances were deemed to have complied with the relevant planning controls in force at that time;
  - the shape and dimensions of the allotment, proposed car parking layout and footprints of existing buildings on the land constrain the ability for compliant building setback distances to be achieved;
  - the positioning of the new building on the subject site will maximise the areas available for car parking to other tenancies;
  - the proposed building setback distances are consistent with other developments in the Brown Street / Smith Street locality;
  - landscaping is proposed within the Smith Street verge which may assist in softening the building mass when viewed from the street and improve the visual amenity of the area;
  - the articulated design (façade's, colours, roof pitch) of the proposed new building will add visual interest to the locality.
  
6. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the consent authority is required to take into account the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose. The conditions of approval are expected to assist in ensuring the orderly servicing of the site by recognising the technical requirements of service authorities in terms of electricity, sewerage and water services, storm water drainage and vehicle access that apply to the physical development and use of the land as well as the intended subdivision for the purpose of a unit titles scheme.
  
7. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, potential adverse impact on the surrounding area will be mitigated. The variations granted to the provisions of Part 4 of the NT Planning

Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.

**ACTION:** Notice of Consent and Development Permit

**RESOLVED  
0058/15**

That, pursuant to section 53(a) of the *Planning Act*, the Development Consent Authority consent to the application to subdivide Lot 7720, 46 Smith Street, Suburb of Ciccone, Town of Alice Springs for the purposes of a Unit Titles Scheme to create 5 units and common property, subject to the following conditions:

1. Works carried out under this permit shall be in accordance with drawings endorsed as forming part of this permit.
2. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act* (as confirmed by the Land Titles Office, Department of the Attorney-General and Justice) shall be submitted for endorsement by the consent authority.
3. Part V Clearance (section 62 of the *Planning Act*) for subdivision into units under the *Unit Titles Scheme Act* will not be granted until the relevant Certificate of Compliance has been issued for the development as shown on Development Permit DP15/0xxx.
4. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both [landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
5. Prior to new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s). Please provide a copy of an email addressed to both [landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au) and [powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)
6. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP15/0xxx as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown on the survey plan as Common Property.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([landdevelopmentsouth@powerwater.com.au](mailto:landdevelopmentsouth@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011) For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.

#### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposed subdivision for the purposes of a Unit Title Scheme is consistent with:
  - the purpose, objectives and performance criteria contained in Clause 11.1.4 (Subdivision for the Purposes of a Unit Title Scheme) of the NT Planning Scheme; and
  - the lawfully established light industry use of the site and the motor repair station and upgrading to the development that was approved by Development Permit DP15/0xxx.
2. Pursuant to sub-clause 3 of Clause 11.1.4 of the NT Planning Scheme, the consent authority is satisfied that the proposed upgrading works to be carried out on the site (approved by Development Permit DP15/0xxx) were the only practicable design solution for the existing development/use of the site.
3. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP15/0xxx.
4. Pursuant to section 51(m) of the *Planning Act*, in considering a development application, the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The conditions of approval are intended to duly recognise the Power and Water Corporation's requirements and assist in ensuring the orderly servicing and development of the property.

**ACTION:**

Notice of Consent and Development Permit

**ITEM 4**

**VARIATION OF CONDITIONS TO DEVELOPMENT PERMIT TO ALLOW ALTERATIONS AND ADDITIONS TO MULTIPLE DWELLINGS LOT 6762, 3 ALLCHURCH STREET, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS ENIGMA PTY LTD**

Nannette Helder and Colin Penfold attended the meeting.

Item withdrawn      Assessment of this application will be held off until such time as the full extent of proposed upgrades to the site are known

**ITEM 5                    SUBDIVISION FOR THE PURPOSE OF A UNIT TITLE SCHEME – 28 MULTIPLE DWELLINGS AND A COMMON PROPERTY AREA  
LOT 6762, 3 ALLCHURCH STREET, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS  
ENIGMA PTY LTD**

Nannette Helder and Colin Penfold attended the meeting.

**RESOLVED**      That, pursuant to section 46(4)(b) of the *Planning Act*, the Authority defers consideration of the application to subdivide Lot 6762, 3 Allchurch Street, Suburb of The Gap, Town of Alice Springs for the purposes of a Unit Titles Scheme (29 lots comprising of 28 multiple dwellings and a common property area) in two stages, subject to the applicant submitting the following information that the consent authority considers necessary to enable proper consideration of the application:  
**0059/15**

1. The applicant providing a written assessment and amended drawings of what works will be undertaken in response to the requirement to upgrade the existing development to comply with the requirements of sub-clause 3 of Clause 11.1.4 (Subdivision for the Purpose of a Unit Title Scheme) of the NT Planning Scheme and why the proposed upgrading is the only practicable design solution for the site. Consideration should be given to:
  - a) upgrading:
    - car parking arrangements to achieve closer compliance with:
      - Clause 6.5.1 (Parking Requirements) – ie: 2 car parking spaces per dwelling or visitor car parking bays to Stage 2
      - Clause 6.5.3 (Parking Layout) – manoeuvring dimensions and driveway widths for parking areas
    - the “Stage 2” multiple dwellings to achieve closer compliance to the dimension and area requirements of Clause 7.5 (Private Open Space);
    - screening of air conditioning units and other design improvements listed in sub-clause 2 of Clause 7.8 of the Scheme.
  - and
  - b) demonstration of how the development complies with Clause 6.14 of the NT Planning Scheme or any upgrading works (ie: floor coverings, building materials, positions of electrical outlets etc) which may reduce the risk to people and damage to property caused by flooding.
2. A statement from a registered Building Certifier, addressing the matters specified in section 46(3)(k) of the *Planning Act* with respect to all existing and proposed building on the site.

**REASONS**

1. Pursuant to section 51(a) of the *Planning Act*, 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. Sub-clause 3 of Clause 11.1.4 (Subdivision for the Purpose of a Unit Title Scheme) of the NT Planning Scheme applies to the proposed subdivision of Lot 6762, Town of Alice Springs. Additional information is required from the applicant to enable a proper assessment of the application against this clause.

2. Pursuant to section 51(q) of the *Planning Act*, in considering a development application (for a proposed subdivision on which a building is, or will be situated) the Development Consent Authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building. The site is developed with 28 dwellings and ancillary structures. The application has not addressed all relevant matters listed under section 8C(2) of the *Planning Regulations* with respect to all buildings on the land. The submission of a revised statement is expected to assist in ensuring the subdivision of the land for the purpose of a unit title scheme will not result in non-compliance with the *Building Act*.

**ACTION:** Letter of Deferral

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



**DENIS BURKE**  
Chairman

16/7/2015

