



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 175 – WEDNESDAY 11 SEPTEMBER 2013

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

MEMBERS PRESENT:

Peter McQueen (Chairman), Brendan Heenan
and Steve Brown

APOLOGIES:

John McBride, David Koch

OFFICERS PRESENT:

Peter Somerville, Ben Taylor, Mal MacDonald and
Fraser Cormack

COUNCIL REPRESENTATIVE :

Stephen Baloban

Meeting opened at 9:45 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

WITHDRAWN

ITEM 2

**DEVELOPMENT – 10 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS
LOT 8203, 27 HEAD STREET, SUBURB OF BRAITLING, TOWN OF ALICE SPRINGS
MARK BROWNLESS & MICHAEL TRULL**

Mark Brownless and Michael Trull (applicants) and Stuart Chalmers (submitter) attended the meeting. The following documents were tabled at the meeting:

- amended plans submitted by the applicant on 9/09/2013;
- a supplementary submission (transmitted by email at 12.19pm, 10/09/2013) by Stuart Chalmers commenting on the amended plans; and
- a technical assessment (prepared by Development Assessment Services) of the amended plans against the NT Planning Scheme .

**RESOLVED
0070/13**

Pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 8203, 27 Head Street Suburb of Braitling, Town of Alice Springs for the purpose of 10 x 3 bedroom multiple dwellings in 2 x 1 storey buildings to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. a further amended design (and associated supporting documentation) for consideration, that:
 - (i) complies with Clause 7.1.1 (Residential Density Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme;
 - (ii) includes a minimum of 2 car parking spaces per dwelling, and an additional four on-site car parking spaces (assuming that the amended design is for nine dwellings, that being the maximum allowable without exceeding the density limit under Clause 7.1.1 of the Scheme); and
 - (iii) satisfactorily responds to all other requirements of the Scheme.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority is required to take the NT Planning Scheme (the Planning Scheme) into consideration, and under clause 2.5.3 of the Planning Scheme, may only consent to the development of land that does not meet the standard set out in Part 4 of the Scheme if it is satisfied that special circumstances justify the giving of consent. The consent authority:
 - a) considered the proposed development and the proposed development as

- amended through plans submitted on 9/09/2013; and
- b) was not satisfied that the proposed development is consistent with the purpose statement for Zone MD (Multiple Dwelling Residential), in that it considered the proposed front setbacks to be incompatible with the Head Street streetscape, which is characterized by greater front boundary setbacks to dwellings;
- c) noting that the purpose of Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme is “to ensure residential buildings and structures without external walls are located so:
- they are compatible with the streetscape and surrounding development including residential buildings on the same site;
 - as to minimize any adverse effects of building massing when viewed from adjoining land and the street;
 - as to avoid overlooking of adjoining properties; and
 - as to encourage breeze penetration through and between buildings”;
- was not satisfied that the design would ensure compatibility with the streetscape and surrounding development or duly minimize any adverse effects of building massing when viewed from adjoining land and the street;
- d) was not satisfied that special circumstances:
- (i) had been demonstrated; or
 - (ii) existed;
- that justified the granting of the proposed variations to Clause 7.1.1 (Residential Density Limitations) or Clause 7.3 (Building Setbacks of Residential Buildings);
- e) in considering the proposed car parking provision, with regard to the purpose of Clause 6.5.1 (Parking Requirements) of the Planning Scheme, which is “to ensure that sufficient off-street car parking , constructed to a standard and conveniently located, is provided to service the proposed use of a site” and noting:
- (i) Mr Brownless’ verbal advice at the hearing of the application that the Alice Springs Town Council had confirmed that street parking was available with the Head Street road reserve; and
 - (ii) that, there is capacity for parking within the Head Street road reserve and carriageway;
 - (iii) Head Street is a relatively heavily trafficked road;
 - (iv) that there is a footpath between the Head Street road carriageway and the front boundary of the site;
 - (v) the site is located on a public bus route; and
 - (vi) the application proposed ten x three-bedroom dwellings, which may be expected to generate a need for additional car parking to that proposed; and
- considered that an additional four on-site car parking spaces was a minimum necessary to reasonably service a nine dwelling multiple dwellings development on Lot 8203 Head Street; and
- f) decided that, in the circumstances, it was appropriate to offer the applicant the opportunity to prepare and submit a further revised design that:
- (i) complies with Clause 7.1.1 (Residential Density Limitations) and Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme; and
 - (ii) includes a minimum of 2 car parking spaces per dwelling, and an additional four on-site car parking spaces (assuming that the amended

design is for nine dwellings, that being the maximum allowable without exceeding the density limit under Clause 7.1.1 of the Scheme); and
(iii) satisfactorily responds to all other requirements of the Scheme.

2. Pursuant to section 51(e) of the *Planning Act*, 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 Alice Springs Town Council did not make any submission under section 49 of the *Act*. Written and verbal submissions from the public in relation to the application were duly considered.
3. 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. Development generally of the form proposed is not expected to unduly impact on the amenity of adjoining properties or the locality, subject to satisfactory redesign to comply with relevant provisions of the NT Planning Scheme and include the provision of the minimum parking requirement of 2 car parking spaces per dwelling (as detailed under Clause 6.5.1 (Parking Requirements) of the Planning Scheme) and an additional four spaces (minimum). Note: the requirement for an additional four spaces assumes that the redesigned development is for nine dwellings (i.e. the maximum permitted under clause 7.1.1 of the Planning Scheme, given the 2820m² lot area).
4. The consent authority acknowledges that the amended proposal submitted on 09/09/2013:
 - a) was assessed as more compliant with some provisions of the NT Planning Scheme (most notably, Clause 7.5 (Private Open Space) and Clause 7.7 (Landscaping for Multiple Dwellings ...)) than the original proposal;
 - b) proposed retention of a number of established trees (a design response advocated by the Planning Scheme);
 - c) included revisions (to the to the building design originally proposed) that are considered an improved response in terms of the Community Safety Design Guide;but was unable to support the proposal for reasons set out above.

ACTION:

Letter to applicant and submitter notifying of the consent authority's decision.

ITEM 3

**DEVELOPMENT – 3 X 2 BEDROOM AND 1 X 3 BEDROOM MULTIPLE DWELLINGS IN 2 X 1 STOREY BUILDINGS
LOT 9952, 104 ALBRECHT DRIVE, SUBURB OF LARAPINTA, TOWN OF ALICE SPRINGS
COLIN PENFOLD AS TRUSTEE FOR THE CHAZ FAMILY TRUST & COLMTER PTY LTD AS TRUSTEE FOR BLACK FAMILY TRUST**

Patrick Black and Steve Adler attended the meeting on behalf of the applicants, as well as submitters Judy Barker, Glen Ronan, Patrick Cozens, Patrick Oldfield and Betty Pearce.

Mr Adler tabled drawings (dated 10/09/2013) containing revisions to the design of the development.

**RESOLVED
0071/13**

That, pursuant to section 53 (b) of the *Planning Act*, the Development Consent Authority vary the requirements of Clause 6.5.3 (Parking Layout) and Clause 7.3 (Building Setbacks for Residential Buildings) 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 9952, 112 Albrecht Drive, Suburb of Larapinta, Town of Alice Springs for the purpose of 3 x 2 bedroom and 1 x 3 bedroom multiple dwellings in 2 x 1 storey buildings, 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 prepared by Steve Adler Building Design (Job Number 1352 & Dated 10/09/2013) that were tabled at the 11/09/2013 DCA meeting but modified to show:
 - (a) correct details of the existing fence height on the boundary between Lot 9952 and Lot 9951 (i.e.: fence trimmed back to ~1.06m high adjacent to the driveway access);
 - (b) details of surface finishes of carports, pathways and patio/verandah areas;
 - (c) additional planting adjacent to private open space boundaries of Unit 3 and Unit 4 (rear boundary of Lot 9952) that will satisfactorily achieve privacy screening outcomes under Clause 7.5(3)(b) of the NT Planning Scheme (all fence heights and plant heights at maturity are to be noted on site the plan)

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Before the use 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 or otherwise suitable delineated to indicate each car space; to the satisfaction of the consent authority.Car spaces, access lanes and driveways must be kept available for these purposes at all times.
4. 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.
5. 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.

6. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
7. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, 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.
9. The owner shall:
 - (a) remove disused vehicle and/or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council to the satisfaction of the consent authority.
10. 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.
11. 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.
12. All proposed works impacting on Albrecht Drive and Teague Crescent are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
13. All air conditioning condensers 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 Power and Water Corporation advises that the Water and Sewer Services

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

3. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.
4. You are advised to contact the relevant service provider prior to construction works commencing in order to determine the relevant telecommunication network servicing requirements for the development, including the potential requirement to provide fibre ready telecommunication facilities.
5. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/are not started within two years of the date of this permit; or
 - (b) the development is not completed within four years of the date of this permit.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposal is consistent with the primary purpose of Zone MD (Multiple Dwelling Residential) of the NT Planning Scheme to 'provide for a range of housing options'. Furthermore, the single storey design and building setbacks are considered compatible with the streetscape and surrounding development.
2. A variation to Clause 6.5.3 (Parking Layout) of the NT Planning Scheme for part of a car parking area to be located ~1.5m from a street boundary and not landscaped to a depth of 3m is considered satisfactory in this instance as the proposed site responsive design is considered to be functional, maintains sight lines and is appropriate for the minimal vehicular movements of a low density multiple dwelling development in accordance with the intent of the clause. The landscaping proposed is expected to provide effective screening of that part of the car parking area from the public realm, thereby lessening the visual impact of the car park when viewed from the street. The applicant has provided amended plans showing car parking bays compliant with dimension (length and width) requirements contained in Clause 6.5.3 which will ensure these spaces are appropriately designed, constructed and maintained for their intended purpose.
3. A variation to Clause 7.3 (Building Setbacks of Residential Buildings) of the NT Planning Scheme to allow the outer surface of a the support column of the carport to Unit 4 to be setback 0.898m from the eastern side boundary instead of

the minimum 1.5m is granted as:

- special circumstances are identified through the irregular shape of the land and the design response which reflects the irregular shape, with a reduced side setback for a carport to allow a functional parking layout for Unit 4, in line with the driveway;
 - the carport will be partially screened by >1.8m high solid metal fencing to the affected boundary;
 - the carport is an open structure with a flat roof design and will have minimal visual impact to the streetscape or adjoining land, the design enables breeze penetration/circulation;
 - only one support column of an open sided structure encroaches onto the minimum setback, no adverse effects of building massing are anticipated when viewed from adjoining land. There is no potential for overlooking to or from habitable areas of the adjoining lot;
 - the owner of the affected property (Lot 9951) did not lodge an objection to the reduced building setback distance of the carport;
 - the proposed multiple dwelling development is otherwise compliant with (or exceeds) all other minimum building setback distances prescribed by Clause 7.3 of the Scheme.
4. Pursuant to section 51(e) of the *Planning Act*, 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. 13 public submissions were received about the application. The matters raised in the submissions have been noted by the consent authority.
 5. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal. The proposal will benefit the local community through the provision of additional residential accommodation.
 6. 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. The proposed multiple dwelling development is located within Zone MD (Multiple Dwelling Residential), and compliant with the majority of controls in the NT Planning Scheme, including being below the density level permitted through Clause 7.1 (Residential Density and Height Limitations) and with the exception of the side setback of the carport for Unit 4, compliant with all minimum building setback distances. Consideration has also been given to the streetscape and adjacent dwellings on Teague Crescent and Albrecht Drive building setbacks, fencing and landscaping to soften the development's impact.
 7. Pursuant to section 51(p)(i) of the *Planning Act* the consent authority must take into consideration the public interest including how community safety through crime prevention principles in design are provided for in the application. The proposed patio/verandah of Unit 1 overlooks Albrecht Drive and the front fence to Unit 1 is visually permeable (not solid) thereby meeting two of the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance to the streetscape.
 8. The conditions of approval are expected to assist in ensuring the orderly servicing

and development of the site and minimise potential impacts on the adjoining streets and properties.

9. Pursuant to section 51(t) of the *Planning Act* the consent authority must, in considering a development application, take into account other matters it thinks fit. The consent authority noted that:
- a) a number of public submissions identified that aspects of the proposal were not consistent with the terms of covenants that are registered on the Land Title;
 - b) that the applicant had amended a number of aspects of the design in order to achieve a higher level of compliance with the covenants;
 - c) the applicant had demonstrated that a number of the terms of the covenants had apparently been breached by owners/developers of other properties subject to the terms of the covenants;
 - d) while it acknowledges that the consistent application of development covenants may have significantly influenced the character of the residential subdivision area, it does not consider the proposed development (as amended), to be out of character with the established development within the Ridges Estate; and
- did not consider it reasonable to refuse consent to the application on the basis that the proposed development was not consistent with terms of a covenant to which it was not a party.

ACTION:

Notice of Consent and Development Permit

**ITEM 4 DEVELOPMENT – DEPENDANT UNIT WITH A FLOOR AREA IN EXCESS OF 50M²
NT PORTION 2414, 28 MULLA MULLA ROAD, SUBURB OF CONNELLAN, ALICE
SPRINGS
WAYNE & JULIE SANDERSON**

Julie Sanderson attended the meeting and tabled copies of floor plans of the existing and proposed dwellings respectively.

**RESOLVED
0072/13**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defers consideration of the application to develop NT Portion 2414 28 Mulla Mulla Road, Suburb of Connellan, Alice Springs for the purpose of a dependant unit with a floor area in excess of 50m² to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

- a) an amended proposal, such that the dependant unit may be reasonably considered ancillary to the single dwelling; and
- b) any additional/supporting documentation that the applicant considers may assist in demonstrating that the proposed development and use of the site:
 - (i) will be for the purpose of a single dwelling and a dependant unit; and
 - (ii) will not be for the purpose of multiple dwellings (as defined in the NT Planning Scheme).

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into account the planning scheme that applies to the land to which the application relates. The application and plans provided are not considered to demonstrate that the proposed dwelling will be ancillary to the existing dwelling. The consent authority must not grant consent to the application unless it is satisfied that:
 - a) the proposed dwelling will be ancillary to the existing single dwelling; and
 - b) there are special circumstances that justify the granting of a variation to sub-clause 7.10.4.2(a) of the NT Planning Scheme.

2. The Development Consent Authority:
 - a) noting that:
 - (i) the application seeks consent to construct a fully self-contained 4 bedroom dwelling with a floor area of 149m², which exceeds the 50m² standard maximum floor area allowed for a dependant unit under sub-clause 7.10.4.2(a) of the Planning Scheme by 99m²; and
 - (ii) the proposed dwelling is substantially separated from the existing dwelling;
 - (iii) the existing single dwelling on NT Portion 2414 (as detailed in plans tabled by Julie Sanderson on 11/09/2013) has a floor area of approximately 141m²; and
 - (iv) the application was placed on public exhibition and circulated to the relevant local authorities. No submissions objecting to the proposal were received;
 - (v) no land capability constraints have been identified in relation to the proposed development;
 - (vi) no significant natural, social, cultural or heritage values have been identified in relation to the site or immediate locality; and
 - b) having formed the view that:
 - (i) based on the documentation provided, it is not satisfied that the proposed dwelling will be ancillary to the existing single dwelling;
 - (ii) the proposal has merit in that it will provide affordable accommodation for a dependant/s of residents of the existing dwelling; and
 - (iii) the proposed development and use is not likely to have any material impact on the amenity of any neighbouring property or the locality;
 - c) has decided that it is appropriate to provide the applicant with a further opportunity to review options for the design and location of the proposed dwelling in relation to the existing dwelling and submit an amended proposal/s (that may reasonably be considered a single dwelling and dependant unit use, rather than a multiple dwelling use) for consideration, before it determines the application.

ACTION: Notify applicant of deferral

**ITEM 5 DEVELOPMENT – CHANGE OF USE (PART OF SITE) FROM SHOP TO MEDICAL CLINIC
 LOT 5163, 63 RAILWAY TERRACE, TOWN OF ALICE SPRINGS.
 ZONE A PTY LTD**

Mr Stuart Chalmers of Zone A Pty Ltd attended the meeting in support of the application.

**RESOLVED
0073/13**

The Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) 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 5163, 63 Railway Terrace, Town of Alice Springs for the purpose of change of use (part of site) to a medical clinic, 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:
 - (a) floor layout, partitioning, room sizes and uses of the medical clinic and other tenancies on the site;
 - (b) elevations of the Gregory Terrace and Railway Terrace facades of the site indicating finished floor levels, external finishes, positions of doors and windows.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings numbered endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority to the satisfaction of the consent authority.
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 plan in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. 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.
7. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.

NOTES:

1. This permit will expire if one of the following circumstances applies:
 - (c) the development *and use is/are* not started within *two* years of the date of this permit; or
 - (d) 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.
2. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserve.
3. 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.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. Notwithstanding the approved plans, the demonstrated awnings in Alice Springs Town Council's road reserve are subject to Council approval at no cost to Council.
6. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
7. The Environment Protection Agency of the Department of Lands, Planning and the Environment advises that construction work should be conducted in accordance with the Agency's Noise Guidelines for Development Sites. The guidelines specify that on-site construction activities are restricted to between 7am and 7pm Monday to Saturday and 9am to 6pm Sunday and Public Holidays. For construction activities outside these hours refer to the guidelines for further information.

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is consistent with the purpose of Zone CB (Central Business) of the NT Planning Scheme which is to 'provide for a diversity of activities including administrative, judicial, professional, office, entertainment, cultural, residential and retail and other business activities with a commitment to the separation of incompatible activities'.
2. A reduction of the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme is supported under

Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:

- (a) it is physically impossible to provide any functional car parking bays on the site;
 - (b) availability of on street car parking spaces within Railway Terrace and Gregory Terrace and public transport services within the vicinity of the site;
 - (c) the original building was established lawfully and has been in continuous use as shops/offices for approximately 40 years;
 - (d) pursuant to section 45 of the *Planning Act*, a Development Permit is taken to have been issued for the shop use and development of the site with a net floor area of 988m² and no car parking spaces;
 - (e) the proposed change of use of 305m² of net floor area previously approved as a "shop" to a "medical clinic" will reduce the calculated parking demand for the site by 6 spaces.
3. Pursuant to section 70(4) of the *Planning Act*, the Development Consent Authority, having considered the relevant criteria under Clause 6.5.2 (Reduction in Parking Requirements) and recognising that a Development Permit is taken to have been issued under section 45 of the *Planning Act* for the existing use of the building as a shop, considers it appropriate to grant the requested variation to Clause 6.5.1 (Parking Requirements) of the Northern Territory Planning Scheme. Accordingly, the Development Consent Authority does not require a car parking levy to be paid to Alice Springs Town Council.
 4. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority is required to take into account the public interest. The proposed development is considered to be in the public interest as it will establish a medical clinic (dentist) in a conveniently accessible location and a net community benefit will result from the proposal.
 5. The conditions of approval are intended to protect the heritage integrity of the well, duly recognise service authority requirements and assist in ensuring the orderly servicing and development of the property.
 6. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION:

Notice of Consent and Development Permit

ITEM 6 EXTENSION OF TIME – EXTEND BASE PERIOD OF DP08/0040 (SUBDIVISION OF ONE LOT TO CREATE TWO LOTS) BY TWO YEARS
LOT 5533, 187 RAGONESI ROAD, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
SANDRA MORLEY

Sandra Morley attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority pursuant to section 59(3)(a) of the *Planning Act*, consent to a further two year extension of time to the base period of
0074/13 Development Permit DP08/0040. The permit lapse on 06 September 2015.

ACTION: Prepare Extension of Time Permit

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



PETER McQUEEN
Chairman

18/9/2013