

**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 205 – FRIDAY 12 FEBRUARY 2016**

**OUT OF SESSION**

**MEMBERS:**

Denis Burke, David Koch, Steve Brown, Brendan Heenan and Alistair Feehan

**ITEM 1      DEVELOPMENT – CHANGE OF USE TO PART OF SITE FROM OFFICES TO  
MEDICAL CLINIC WITH A VARIATION TO CAR PARKING REQUIREMENTS  
LOT 8478, 70 SPEARWOOD ROAD, SUBURB OF SADADEEN, TOWN OF ALICE  
SPRINGS  
CENTRAL AUSTRALIAN ABORIGINAL CONGRESS ABORIGINAL  
CORPORATION – MR ERIC BROWN**

**RESOLVED  
0006 /16**

That, the Development Consent Authority varies the requirements of clause 6.5.1 (Parking Requirements), clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 8478 (70) Spearwood Road, Suburb of Sadadeen, Town of Alice Springs, for the purpose of change of use from offices to medical clinic, subject to the following conditions:

**CONDITIONS PRECEDENT**

1. 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 endorsed, the plans will form part of the permit. The plans must be in Adobe PDF format and must be generally in accordance with the drawings submitted with the application but amended to:
  - a) show the location of electricity supply infrastructure and all parking spaces adjacent to the western boundary (including the 3 proposed additional spaces);
  - b) show landscaping (planting; or, if prohibited by underground infrastructure/servicing constraints alternative partial screening) between the western most parking spaces and the western boundary of the property (landscaping should be selected to lessen the visual impact of the car parking area on the streetscape); and
  - c) show parking space/s for persons with a disability and associated ramp/s in a manner that will ensure safe and convenient access between the parking area and the medical clinic for persons with a disability.The consent authority recommends consultation with a registered building certifier in relation to design for parking for persons with a disability.

**GENERAL CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

4. Before the medical clinic use commences, the area(s) 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.
5. All air conditioning units and/or 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.
6. Before the use/occupation of the medical clinic use commences, the landscaping works shown on the endorsed plans must be carried out and completed generally in accordance with the endorsed plans, 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.

## NOTES

1. This development permit does not grant building approval for the proposed development and use. 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. A Permit to Work Within a Road Reserve may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
3. All signage is subject to Alice Springs Town Council approval, at no cost to Council.
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 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.
6. Telstra advises that the developer is required to contact "Dial Before You Dig" on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

#### **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 medical clinic development and use is considered appropriate to Zone C (Commercial) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.
2. It is considered that a variation to clause 6.5.1 (Parking Requirements) of the NT Planning Scheme can be supported in this instance, as:
  - a) 3 additional parking spaces are proposed;
  - b) there is a bus stop for a regular bus service within 50 metres of the property;
  - c) a significant proportion of the clients for the proposed clinic may be expected to travel by foot or community bus service;
  - d) the proposed staffing for this site, includes a bus driver;
  - e) the fundamental principle of this proposed clinic model is that it is within walking distance from the client population and therefore will create the ease of access required to assist those individuals who do not have motor vehicles;
  - f) it is envisaged that a significant proportion of the client visits to the shopping centre are residents in the surrounding neighbourhood and travel by foot, bicycle or public transport, limiting the demand for on-site car parking; and
  - g) peak hours for the medical clinic use are not expected to coincide with peak hours for all other uses, and the demand for parking at any given time is accordingly expected to be limited.These circumstances are considered to justify the granting of a variation to clause 6.5.1 and the objective of the clause is expected to be met.
3. It is considered that a variation to clause 6.5.3.3(g) (Parking Layout) of the NT Planning Scheme can be supported in this instance, as a landscaped strip narrower than 3m has been approved previously for the site through Development Permit DP04/0546 and a continuation of a 1m wide planted strip (or suitable alternative screening) partial screening will maintain that standard.
4. Pursuant to section 51(n) of the *Planning Act* the consent authority must take

into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. It is not envisaged that the proposed medical clinic use will unduly impact on the amenity of adjoining properties or the locality.

5. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.
6. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.

The application identified merits including:

- a) Improved access and continuity of care to the most marginalised people in Australia through the adoption of a fit for purpose business model which has been highly effective in South East Queensland for improving medical outcomes for patients.
  - b) Improved access to pharmaceutical services [free medicine under section 100 of the
  - c) National Health Act 1953 (Cth)] to clients.
  - d) Routine external cleaning and on call security for the proposed development.
  - e) The long term tenancy of vacant premises that is expected to improve the viability of neighbouring tenancies.
  - f) Negligible imposition on the public facilities, open spaces and utilities of the area.
  - g) Reduction of travel to Gap road for Congress clients, reducing the draw on Gap Road, including alleviating parking and traffic congestion at Gap Road Congress Clinic.
7. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
  8. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.
    - a) The Alice Springs Town Council (Council) has requested a development permit conditions requiring additional car parking to be provided on the property and prohibiting on street parking. It is envisaged that the proposed car parking will adequately service the proposed development and use. The Council has the authority to prohibit on street car parking

and the reliance on a development permit to prohibit such parking is not considered to be appropriate.

- b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and has requested standard permit conditions and notes relating to PAWC interests. Standard conditions and notes regarding works and easements are expected to duly recognise PAWC's interests with respect to the proposed development.
  - c) The Northern Territory Fire and Rescue Service has advised of no objections to the proposed development, subject to:
    - (i) a permit to build being obtained before commencing works;
    - (ii) an occupancy permit being issued before the building is occupied; and
    - (iii) NTFRS Fire and Emergency Regulations being met.A standard note regarding building certification is expected to duly recognise NT Fire and Rescue Service interests with respect to the proposed development.
9. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The site adjoins residential properties, however, the proposed use of part of an existing building for the purpose of a medical clinic and minor alterations to the existing parking layout are not expected to have any significant impact on the amenity of any adjoining property or the area.

**ACTION:**

DAS to prepare a Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – CHANGE OF USE TO PART OF SITE TO MEDICAL CLINIC AND SHOP  
LOT 8773, 26 DIARAMA CLOSE, SUBURB OF ARALUEN, TOWN OF ALICE SPRINGS  
CENTRAL AUSTRALIAN ABORIGINAL CONGRESS ABORIGINAL CORPORATION – MR ERIC BROWN**

**RESOLVED  
0007/16**

That, the Development Consent Authority varies the requirements of clause 6.5.1 (Parking Requirements), clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 8773 (26) Diarama Close, Suburb of Araluen, Town of Alice Springs, for the purpose of change of use from leisure and recreation (ballet school) to medical clinic and shop (pharmacy) in two stages, subject to the following conditions:

**CONDITIONS PRECEDENT**

- 2. 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 endorsed, the plans will form part of the permit. The plans must be in Adobe PDF format and must be generally in accordance with the drawings submitted with the application but amended to show:

- a) proposed consulting rooms;
- b) proposed use of other rooms and floor area within the medical clinic and pharmacy respectively;
- c) parking space/s for persons with a disability and associated ramp/s in a manner that will ensure safe and convenient access between the parking area and the medical clinic for persons with a disability; and
- d) proposed stages (if the development is proposed to be effected in 2 stages, as indicated by the applicant).

The consent authority recommends consultation with a registered building certifier in relation to design for parking spaces for persons with a disability.

### **GENERAL CONDITIONS**

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
4. Any developments on or adjacent to any easements on site shall be carried out to the requirements of the relevant service authority and approval to carry out works shall be obtained prior to the commencement of construction, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
6. Before the medical clinic use commences, the parking area must be modified to include a conveniently accessible and clearly designated parking space for persons with disability adjacent to the medical clinic building as set out in the site plan endorsed as part of this permit, to the satisfaction of the consent authority.
7. All air conditioning units and/or 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 development and use. 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. A Permit to Work Within a Road Reserve may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
3. All signage is subject to Alice Springs Town Council approval, at no cost to

Council.

4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
5. 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.
6. Telstra advises that the developer is required to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.

#### **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 medical clinic development and use, as approved, is considered appropriate to Zone C (Commercial) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.
2. It is considered that a variation to clause 6.5.1 (Parking Requirements) of the NT Planning Scheme can be supported in this instance, as:
  - a) there are bus stops for regular bus services within 100 metres of the property;
  - b) a significant proportion of the clients for the proposed clinic may be expected to travel by foot or community bus service;
  - c) the proposed staffing for this site, includes a bus driver;
  - d) the fundamental principle of this proposed clinic model is that it is within walking distance from the client population and therefore will create the ease of access required to assist those individuals who do not have motor vehicles;
  - e) it is envisaged that a significant proportion of the client visits to the shopping centre are residents in the surrounding neighbourhood and will travel by foot, bicycle or public transport, limiting the demand for on-site car parking;
  - f) peak hours for the medical clinic use are not expected to coincide with peak hours for all other uses, and the demand for parking at any given time is accordingly expected to be limited; and
  - g) the medical clinic staffing is proposed to include a maximum of 2 general



practitioners and with the exception of their consulting rooms, all floor area within the clinic will be used for support services and amenities; and provided that a maximum of 2 general practitioners work at the clinic at a time, the parking demand associated with the medical clinic use may be expected to be significantly less than that required for 7 consulting rooms.

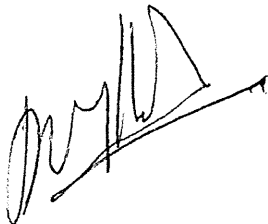
These circumstances are considered to justify the granting of a variation to clause 6.5.1 and the objective of the clause is expected to be met.

3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. No public or local authority submissions were received under section 49 of the Act.
4. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified merits including:
  - h) Improved access and continuity of care to the most marginalised people in Australia through the adoption of a fit for purpose business model which has been highly effective in South East Queensland for improving medical outcomes for patients.
  - i) Improved access to pharmaceutical services [free medicine under section 100 of the National Health Act 1953 (Cth)] to clients.
  - j) Routine external cleaning and on call security for the proposed development.
  - k) The long term tenancy of vacant premises that is expected to improve the viability of neighbouring tenancies.
  - l) Negligible imposition on the public facilities, open spaces and utilities of the area.
  - m) Reduction of travel to Gap road for Congress clients, reducing the draw on Gap Road, including alleviating parking and traffic congestion at Gap Road Congress Clinic.
5. Pursuant to section 51(j) of the *Planning Act*, in considering a development application the Development Consent Authority is required to take into account the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The land is expected to be capable of supporting the proposed development without undue impact on other land.
6. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer.
  - a) The Alice Springs Town Council (Council) has advised that it has no objections or requirements in relation to the proposed development and

- use.
- b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and has requested standard permit conditions and notes relating to PAWC interests. Standard conditions and notes regarding works and easements are expected to duly recognise PAWC's interests with respect to the proposed development.
  - c) The Northern Territory Fire and Rescue Service has advised of no objections to the proposed development , subject to:
    - (iv) a permit to build being obtained before commencing works;
    - (v) an occupancy permit being issued before the building is occupied; and
    - (vi) NTFRS Fire and Emergency Regulations being met.A standard note regarding building certification is expected to duly recognise NT Fire and Rescue Service interests with respect to the proposed development.
7. Pursuant to section 51(n) of the *Planning Act* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. It is not envisaged that the proposed medical clinic or shop uses will unduly impact on the amenity of adjoining properties or the locality.

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

**RATIFIED AS A RECORD OF DETERMINATIONS MADE**



**DAVID KOCH**  
Chairman

7/8 / 62 / 2016