

NORTHERN TERRITORY OF AUSTRALIA

Planning Act 1999 - section 40

EXCEPTIONAL DEVELOPMENT PERMIT

EDP23/0005

DESCRIPTION OF LAND THE SUBJECT OF THE PERMIT

Lot 09107
Town of Alice Springs
112 BARRETT DR, DESERT SPRINGS

APPROVED PURPOSE

To use and develop the land for the purpose of a hotel casino redevelopment (hotel/motel, bar-public, place of assembly, child care centre, leisure and recreation, entertainment facility and 235 dwellings-multiple in buildings of up to 5 storeys in nine stages, in accordance with the attached schedule of conditions and the endorsed plans.

BASE PERIOD OF THE PERMIT

This permit will expire if one of the following circumstances applies:

- (a) the development is not started within two years of the date of this permit; or
- (b) the development is not completed within four years of the date of this permit.

The consent authority may extend the periods referred to if an application is made in the approved form before the permit expires.

RIGHT OF APPEAL

There is no right of appeal against a determination by the Minister in relation to the grant or variation of an Exceptional Development Permit.



EVA DINA LAWLER

Minister for Infrastructure, Planning and Logistics

19/6/2023

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SCHEDULE OF CONDITIONS

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) End of trip facility details (including showers, lockers and bicycle facilities) for the new buildings including the dwellings-multiple, part of the hotel, part of the casino (place of assembly), part of the bar-public and nightclub-entertainment facility generally in accordance with Clause 5.3.7 (End of trip facilities in Zones HR, CB, C, SC and TC) of the NT Planning Scheme 2020 (or as amended); and
 - (b) A schedule of materials and finishes of proposed screening of air conditioning units and other services;
2. Prior to the endorsement of plans and prior to the commencement of works, resolution from NT Fire and Rescue Services is required in relation to matters raised in its comments dated 11 November 2022, to the satisfaction of the consent authority.
3. Prior to the endorsement of plans and prior to the commencement of works, an amended landscape plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The landscaping plan must be generally in accordance with the landscape concept plan submitted with the application but modified to show:
 - (a) Additional planting (including trees, grasses and shrubs) adjacent to Buildings 2 and 3 adjoining Stephens Road to reduce the visual mass/bulk of the building when viewed from Stephens Road; and
 - (b) Details of the species and quantity of planting in each location shown on the plans.All species selected must be to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, and Transport and Civil Services Division and/or Crown Land Management Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The plan shall include details of site levels and existing stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Transport and Civil Services Division and/or Crown Land Management Division of Department of Infrastructure, Planning and Logistics or Council's system or an alternate approved connection.
5. Prior to the commencement of works, a Waste Management Plan addressing the Alice Springs Town Council's waste management guidelines must be prepared, submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

6. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
7. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
8. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
9. 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.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunication networks to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 2, 3 and 4 for further information.
11. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to Transport and Civil Services Division and/or Crown Land Management Division of Department of Infrastructure, Planning and Logistics or Alice Springs Town Council's system, to the satisfaction of the consent authority.
12. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, site earthworks, vehicular access, pedestrian / cycle corridors and streetscaping are to be to the technical requirements of Alice Springs Town Council and Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
13. All proposed works (including the provision or connection of services) impacting on Barrett Drive 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 Alice Springs Town Council. Drawings must be submitted to 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".
14. All proposed works (including the provision or connection of services) impacting on Stephens Road road reserve 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 Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics. Drawings must be submitted to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
15. Where unfenced, the Stephens Road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements to the satisfaction to the consent authority.
16. Upon completion of any works within or impacting upon the Barrett Drive and Stephens Road road reserves, the road reserves shall be rehabilitated to the standards and requirements of

Alice Springs Town Council and the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics.

17. 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.

18. Before the use or occupation of the development starts, written confirmation from a qualified traffic engineer that the car parking spaces and access lanes associated with the development have been constructed in accordance with the relevant Australian Standards for car parking must be provided, to the satisfaction of the consent authority.

19. 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, in accordance with the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.

20. "No entry/no exit" signs and arrows directing the internal traffic movement on site shall be provided at completion of building to the requirements and satisfaction of the consent authority.

21. Access to and egress from the site for all commercial vehicles (including waste collection vehicles) must only be from Barrett Drive.

22. 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).

23. All works recommended by the traffic impact assessment are to be completed to the requirements of the Alice Springs Town Council and the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority.

24. 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.

25. 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.

26. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be graded and drained and screened from public view to the satisfaction of Alice Springs Town Council, to the satisfaction of the consent authority.

- 27 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed with a panel to gap ratio, such that the condenser units are not readily visible from any angle.
- 28 All roof top plant equipment, equipment relating to the operation of the lift and any other equipment (such as any vents and ducting associated with requirements for stairwell pressurisation or other such ventilation purposes or similar) that will be placed on the rooftop of the development shall be appropriately screened, or designed to soften the visual impact of such equipment from view from neighbouring or nearby developments (or developments reasonably anticipated).
- 29 All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
- 30 All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
- 31 No plant, equipment, services or architectural features other than those shown on the endorsed plans are permitted above the roof level of the buildings.
- 32 All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Rescue Services.
- 33 The finished floor levels of any habitable room must be a minimum of 300mm above the applicable flood level for the property.

Notes

1. Power and Water Corporation advise that prior to initial reviews and assessments being undertaken to determine Power and Water Corporations servicing requirements, the developer should submit an Expression of Interest (EoI) form via email to remotedevelopment@powerwater.com.au
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be

able to access an exemption from these arrangements in some circumstances. For more information visit www.infrastructure.gov.au/tind

4. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
5. Access shall not be permitted to Lot 9107 from the Stephens Road road reserve. All access shall be via the internal road network to the standards and requirements of the Alice Springs Town Council.
6. No temporary access for construction purposes shall be permitted from the Stephens Road road reserve and construction and delivery vehicles are not be parked on the Stephens Road road reserve.
7. The finish of any Prime Identification sign, if erected, shall be such that, if illuminated, day and night readability is the same and is of constant display (i.e. not flashing or variable message). The sign shall be positioned:
 - (a) so as not to create sun or headlight reflection to motorists; and
 - (b) be located entirely (including foundations and aerially) within the subject lot.

Advertising signage, either permanent or temporary, e.g. 'A' frame, vehicle or trailer mounted shall not be erected or located within the Stephens Road road reserve.
8. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
9. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>
The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.
10. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.

11. The development and use hereby permitted must be in accordance with Northern Territory legislation including (but not limited to) the *Building Act 1993*, the *Public and Environmental Health Act 2011* and the *Food Act 2004*.
12. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the *Northern Territory Building Act 1993* before commencing any demolition or construction works.
13. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
14. A Compliance Certificate under the *Swimming Pool Safety Act 2004* issued by the Swimming Pool Safety Authority is required for the swimming pool/s prior to the commencement of the use/development to the satisfaction of the consent authority.



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REASONS FOR THE DECISION

1. The proposed development is primarily designed to cater to the needs of the tourism and entertainment industry, in line with the objectives of Zone TC (Tourist Commercial).
2. The architectural features and colour finishes of the proposed buildings towards the north and south boundaries of the site have been designed to blend in with the surrounding area. The existing open spaces that surround the site, including roads and natural drainage features, help to reduce the buildings' visual impact when viewed from nearby properties and streets.
3. The surrounding area comprises of many tourist commercial land uses. Based on the distance between the site and developments anticipated in the future, the proposed development is unlikely to impact on the visual amenity of the area. The overall visual amenity will continue to be dominated by the Ranges further south/southwest and the existing open space of the golf course as has been demonstrated in the application material.
4. While the site is subject to inundation by riverine (Todd River) flooding in a 1% AEP flood event, a condition has been applied to ensure that finished floor levels of any habitable room must be a minimum of 300mm above the applicable flood level for the site.
5. The proposed development includes a number of different but complementary uses that are likely to attract a high number of multi-purpose trips resulting in cross-utilisation of proposed car parking spaces. The Traffic Impact Assessment provided with the application concludes that the car parking spaces provided across the site is adequate for the proposed development.
6. A condition has been applied to provide bicycle parking and end of trip facilities that achieve a minimum 45% level of compliance with Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC). This is considered justified as the scale of the development is such that people visiting the development will likely visit numerous components of the development with one trip and hence the development will have a high degree of cross utilisation.



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