

## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

#### **MINUTES**

**MEETING No. 221 – WEDNESDAY 14 JUNE 2017**

**DOUBLETREE BY HILTON  
SPINIFEX ROOM  
BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:**

Denis Burke (Chairman), David Koch, Jade Kudrenko,  
Jamie de Brenni

**APOLOGIES:**

Alistair Feehan

**OFFICERS PRESENT:**

Peter Somerville, Benjamin Taylor, Fraser Cormack,  
Julie Driver, Jennie Ryan

**COUNCIL REPRESENTATIVE:** Dilip Nellikat

**Meeting opened at 10:55 am and closed at 11:20am**

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**            **LIGHT INDUSTRY INCLUDING WORKSHOP AND STORAGE IN 1 SINGLE STOREY BUILDING WITH A MEZZANINE LEVEL AND ANCILLARY SHORT TERM STAFF ACCOMMODATION AND AMENITIES IN 2 SINGLE STOREY BUILDINGS**  
**PA2017/0191**   **LOT 9396, 41 SMITH STREET, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS**  
**APPLICANT**    **MR JORDAN BENNETT**

Development Assessment Services tabled a copy of written comment received from the Department of the Environment and Natural Resources and provided a copy of the comment to David Gibbons (owner), and also tabled a copy of Power and Water Corporation (Networks) comment.

David Gibbons attended the meeting and spoke further to the application.

Dilip Nellikat spoke to the Alice Springs Town Council's submission.

**RESOLVED**            That, the Development Consent Authority varies the requirements of clause  
**0044/17**                6.5.3.3(b) and 6.5.3.3(g) (Parking Layout) of the NT Planning Scheme, and  
pursuant to section 53(b) of the *Planning Act*, alters the proposed development  
and consents to the proposed development as altered to develop Lot 9396 (41)  
Smith Street, Suburb of Ciccone, Town of Alice Springs for the purpose of light  
industry including workshop and storage in 1 single storey building with a  
mezzanine level and ancillary short term staff accommodation and amenities in 2  
single storey buildings, subject to the following conditions:

#### **CONDITIONS PRECEDENT**

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and be submitted in Adobe PDF format. The plans must be generally in accordance with the plans submitted with the application but modified to:
  - a) show all buildings and structures (including roof awnings) clear of the sewerage easement traversing the northern side of the site, unless with the written agreement of the Power and Water Corporation;
  - b) include a minimum of 21 car parking spaces (including at least one parking space for persons with a disability);
  - c) demonstrably comply with building regulations with respect to parking for persons with a disability (the consent authority encourages consideration of a disabled bay being located near to the office building for improved accessibility);
  - d) solid screening or screen planting or a mix of both for a minimum of 15m along the eastern boundary of the site, starting at the north-eastern

- corner of the site;
- e) planting and shading (e.g. a verandah) along with fencing/screening between the outdoor storage area and driveway and the accommodation area, with a view to providing an improved and acceptable level of amenity for staff using the accommodation.

## GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed by the consent authority as forming part of this permit.
3. Before development commences, an environmental management plan for the management and operation of the use must be prepared by a suitably qualified professional and approved by the consent authority on the advice of the Department of the Environment and Natural Resources (DENR). When approved, the plan will be endorsed and will then form part of the permit. The environmental management plan must include:
- (a) overall environmental objectives for the operation of the use and techniques for their achievement;
  - (b) procedures to ensure that no significant adverse environmental impacts occur as a result of the use;
  - (c) proposed monitoring systems;
  - (d) identification of possible risks of operational failure and response measures to be implemented; and
  - (e) day to day management requirements for the use.
- The use must at all times be conducted in accordance with the endorsed plan. This condition is to the satisfaction of the consent Authority on advice from DENR.
4. 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 (where shown on the drawings);
  - (d) drained;
  - (e) clearly line marked or delineated 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 and maintained in accordance with the endorsed plans , to the satisfaction of the consent authority.
5. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority, on the advice of the Department of the Environment and Natural Resources and the Department of Health, respectively.

6. Stormwater is to be collected and retained on the site and/or discharged into the drainage network to the technical standards of and Alice Springs Town Council, to the satisfaction of the consent authority. Works must not commence prior to the endorsement of plans for stormwater drainage by the Council.
7. 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. The owner shall 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. Works must not commence prior to the endorsement of plans for kerb crossovers and driveways to the site by the Council.
8. 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 technical requirements of the Alice Springs Town Council and the satisfaction of the consent authority.
9. 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, in accordance with the authorities requirements and relevant legislation at the time.
10. 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.
11. Before the occupation of the approved shed and offices commences, the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
12. Landscaping, as shown in 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.
13. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view to the satisfaction of the consent authority.
14. The short-term workers accommodation approved by this permit is only to be occupied for short terms by workers associated with the light industry/fencing business operated from the premises when coming into town late from bush or heading out bush. No more than 4 persons must be accommodated at any time. This condition is to the satisfaction of the consent authority.

NOTES:

1. 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.

2. This development permit does not grant building approval for the proposed development and use. The developer is advised to contact a registered private Building Certifier to ensure that all necessary approvals are obtained before commencing demolition or construction works.
3. 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.
4. 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.
5. Compliance with the *Public and Environmental Health Act* is required.
6. You are advised 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.
7. This development permit does not obviate the requirement for the land owner or developer or operator to comply with any other legislation.
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) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.

## REASONS

1. Pursuant to section 51 (a) of the *Planning Act*, the Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The NT Planning Scheme is the applicable scheme. The lot the largest within a narrow strip of SC (Service Commercial) zoned land located between two bands of General Industry zoned land located to the northern and southern sides of the site. The lot's size and dimensions are suited to the proposed primary uses of light industry



and storage and the uses are consistent with the primary purpose of Zone SC (i.e. "to provide for commercial activities which, because of the nature of their business or size of the population catchment, require large sizes"). The development is of a form and scale that is considered compatible with other established uses on other land within the immediate locality and the proposed works and landscaping are expected to enhance the amenity of the site and its appearance from the street and other properties. Minor revisions to the landscaping and fencing plan may be expected to further assist in ensuring that outdoor storage areas are suitably screened from the adjoining street and ensure a greater amenity outcome for the streetscape.

2. The Development Consent Authority:

- a) notes that the application does not anticipate a need for more than 8 car parking spaces, but envisages that the site can readily accommodate the calculated minimum requirement of 21 parking spaces without unduly limiting its functionality or storage capacity and is not satisfied that special circumstances have been demonstrated or shown to exist that warrant the granting of a variation to the calculated minimum requirement;
- b) grants a variation to clause 6.5.3.3(b) of the NT Planning Scheme to allow part of a parking area to be constructed of compacted road base instead of sealed, as:
  - (i) a substantial part of the site and parking area is to be sealed;
  - (ii) proposed screening (particularly to the front boundary) is expected to assist in ensuring that potential visual impacts on the streetscape are minimised; and
  - (iii) a condition of approval requiring dust-suppression to be maintained to the satisfaction of the consent authority is expected to assist in ensuring that potential off-site impacts are duly limited.
- c) grants a variation to clause 6.5.3.3(g) of the NT Planning Scheme to allow a landscaped strip narrower than 3m between the parking area and the street, as:
  - (i) the site is setback appropriately from the road carriageway of Smith Street;
  - (ii) the proposed mix of solid screening and planting along the northern boundary of the site is expected to lessen the visual impact of all parking areas from the street and ensure compliance with the stated purpose of the sub-clause; and
  - (iii) landscaping to a depth of 3m along the length of the driveway would significantly reduce the site area available for the proposed use without any significantly improved outcome in terms of the intent of the requirement.

The consent authority is satisfied that the circumstances and conditions described above constitute circumstances that warrant the granting of the variations to clause 6.5.3 (Parking Layout) of the Planning Scheme, as granted.

3. Pursuant to section 51(e) of the *Planning Act* the consent authority must take

into consideration any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The application was publicly exhibited in accordance with the *Planning Act* and Regulations and no public submissions were received. The Alice Springs Town Council made a local authority submission under section 49(3) of the *Planning Act* and objected to the granting of consent for the proposed accommodation component of the development and use. The Development Consent Authority:

- a) noted that hostel is a discretionary use in Zone SC and while the proposed accommodation use has not been sought on the grounds of being a hostel, it is of a small scale and proposed for short-term use only
  - b) does not expect the approved development to frustrate relevant policy under the Planning Scheme, on account of the approved accommodation use, subject to minor changes that may be expected to assist in ensuring a reasonably level of amenity for staff using the accommodation.
4. Pursuant to section 51(h) of the *Planning Act* the consent authority must take into consideration the merits of the proposal as demonstrated in the application. The Development Consent Authority expects the proposed development (as approved) to ensure that development will significantly enhance the amenity of the site for occupants and in terms of its visual presentation to the streetscape and other properties.
  5. Pursuant to section 51(j) of the *Planning Act* the consent authority must take into consideration the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The consent authority, noting advice from the Department of the Environment and Natural Resources Environmental Assessment Unit (as tabled at the hearing) considers the requirement for an Environmental Management Plan an appropriate mechanism for assisting in ensuring that the development and use do not unduly impact on other land or the locality.
  6. Pursuant to section 51(m) of the *Planning Act*, in considering a development application, 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.

The development permit conditions are expected to assist in ensuring the orderly servicing of the property in accordance with relevant agency standards and that agency interests are duly recognised.

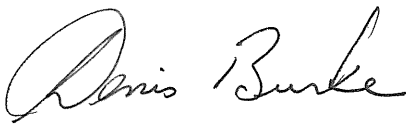
7. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, potential adverse impact on the surrounding area may be expected to be mitigated. The development is not expected to detract

from the amenity of the locality or neighbouring properties. A condition is included in the development permit, specifying that the use and development must be managed so that the amenity of the area is not detrimentally affected, through the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, to the satisfaction of the consent authority, to assist in ensuring that the use is consistent with the SC zone requirements.

8. The conditions of approval are intended to assist in ensuring the orderly development of the site.

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

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



**DENIS BURKE**  
Chairman

20/6/2017