



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

**MEETING No. 280
13 SEPTEMBER 2023**

**RED MULGA EVENT SPACE
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Deepika Mathur, Allison Bitar, Matt Paterson

APOLOGIES: NIL
LEAVE OF ABSENCE: NIL

OFFICERS PRESENT: Chay Garde, James Calder, Kieran Marsh, Hanna Steevens

COUNCIL REPRESENTATIVE: N/A

Meeting opened at 10:20 am and closed at 11:05am

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THE MINUTES RECORD 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 ROOMING ACCOMMODATION ADDITIONS TO HOTEL/MOTEL (ADDITIONAL 23 ROOMS
PA2023/0215 IN 13 SINGLE STOREY BUILDINGS)**

LOT 288 (69) ROSS HWY, ROSS

APPLICANT Green Ant Property Pty Ltd – Mr Anthony (Tony) Smith

Pursuant to section 97(1) of the Planning Act, Mr Matt Paterson, a member of the Alice Springs Division of the Development Consent Authority declared a conflict of interest. Mr Paterson was not present during deliberation and did not take part in any deliberation or decision of the Division in relation to this item.

The applicant, Mr Anthony Smith (Director, NT Link & Green Ant Property Pty Ltd), Mr Matthew Carcuro (Project Manager, NT Link) and Ms Brittany Kelsall (Project Manager, NT Link) attended the meeting via video conference and spoke further to the application.

**RESOLVED
14/23**

That, the Development Consent Authority vary the requirements of Clause 5.3.7 (End of Trip Facilities), Clause 5.8.7 (Demountable Structures) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(b) of the *Planning Act 1999*, alter the proposed development and consent to the proposed development as altered to develop Lot 288, 69 Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of 13 cabin additions to an existing caravan park and hotel/motel and serviced apartments development, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of drawings and prior to commencement of works (including site preparation), amended drawings to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the drawings will be endorsed and will then form part of the permit. The drawings must be drawn to scale with dimensions and must be generally in accordance with the drawings (dated 24/12/2022) included with the application material that formed part of Bookmark B of the agenda report for the 13/09/2023 DCA meeting, but modified to show/demonstrate:
 - (a) all drawings updated to refer to correct NT Planning Scheme 2020 land use definitions and terminology (e.g.: 1 x hotel / motel suite containing 2 bedrooms or 1 x cabin addition to caravan park)
 - (b) stage boundaries for landscaping and other civil works delineated on drawings
 - (c) an updated landscaping plan generally in accordance with the detail shown on drawing number PA2020/0098/9 endorsed as part of DP20/0183 (as amended through the detail included at Bookmark B of the agenda report for the 13/09/2023 DCA meeting), but updated to show:
 - additional planting adjacent to buildings with the objective to delineate the different rooms and provide shade and privacy
 - plant species (should be native to the Central Australian region)
 - (d) new buildings having full compliance with:
 - i) sub-clause 12 of Clause 5.5.13 (Caravan Park)

Amended drawings and documentation prepared in response to Condition Precedent 1 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, via email to das.ntg@nt.gov.au

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
3. The development must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
4. Before the use or occupation of each stage 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 suitably 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 parking spaces, access lanes and driveways must be kept available for these purposes at all times.
5. “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.
6. Before the use/occupation of each stage 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. 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.
9. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity services to each stage of the development shown on the endorsed drawings in accordance with the authorities’ requirements and relevant legislation at the time. Please refer to notation 1 for further information.

NOTES:

1. 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.
2. 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

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3. 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>
4. 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.
5. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council and Department of Infrastructure, Planning and Logistics before commencement of any work within the road reserves. Any on-site wastewater management system is to be installed or upgraded in accordance with the NT Code of Practice for Wastewater Management. https://nt.gov.au/_data/assets/pdf_file/0011/998048/note-109-wastewater-management-system-design-installation.pdf
6. 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.
7. 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*.
8. 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.
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>

For the purposes of best practice land management and environmental protection it is recommended that a **Type 1** Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 53(b) of the *Planning Act 1999* the consent authority may alter the proposed development in the manner it thinks fit and consent, either conditionally or unconditionally, to the proposed development as altered.

The applicant initially applied seeking consent for “Rooming accommodation additions to hotel/motel (addition of 23 rooms in 13 single storey buildings)”. The consent authority has considered the definition of “Rooming accommodation” as well as other potential alternative definitions, and has determined that the appropriate definition for the proposed is for “13 cabin additions to an existing caravan park”. It is noted in making this recommendation that a caravan park can be comprised entirely of cabins and does not require any caravans on site to be considered a caravan park.

2. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned TC (Tourist Commercial).

The proposed development and use requires consent under Clause 1.8 (When development consent is required). “Caravan Park” is identified as ‘merit assessable’ under sub-clause 1(b)(i) of Clause 1.8 of the NTPS2020, and the additions to the existing development/use on site do not comply with sub-clause 1 of Clause 5.5.4. Sub-clause 2 of 5.5.4 specifies that - *where the expansion (of an existing use or development in Zone TC) does not comply with sub-clause 3 of Clause 5.5.4, the use or development is subject to the assessment requirements as established in the relevant assessment table for the zone.*

Therefore, pursuant to sub-clause 3 of Clause 1.10, the Development Consent Authority, in considering the application, must take into account all of the following:

- (a) *the relevant requirements, including the purpose of the requirements, as set out in Part 5;*
- (b) *any Overlays and associated requirements in Part 3 that apply to the land; and*
- (c) *the guidance provided by the relevant zone purpose and outcomes in Part 4 relevant to a variation of requirements in Part 5.*

The Overlay listed in Clause 3.6 (LSF – Land Subject to Flooding) applies to part of site, however, the new works will be located areas of the site not impacted by the overlay mapping. No Area Plan(s) apply to the land or locality. The proposed development and use is consistent with the Alice Springs Regional Land Use Plan 2016.

The zone purpose and outcomes of Clause 4.13 (Zone TC -Tourist Commercial) of the NTPS2020, and requirements listed in:

- Clause 3.6 (LSF – Land Subject to Flooding)
- Clause 5.2.1 (General Height Control);
- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)
- Clause 5.4.7 (Communal Open Space)
- Clause 5.4.8 (Residential Building Design)
- Clause 5.4.19 (Residential Plot Ratio)
- Clause 5.4.17 (Building Articulation)
- Clause 5.5.2 Commercial Plot Ratio
- Clause 5.5.3 (General Building and Site Design)
- Clause 5.5.13 Caravan Parks

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- Clause 5.8.7 (Demountable Structures) are all relevant to the subject site and proposed development and use.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 except for:

- Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)
- Clause 5.8.7 (Demountable Structures)

3. Pursuant to sub-clause 5 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme 2020, *the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:*

- The purpose and administration clauses of the requirement; and*
- The considerations listed under Clause 1.10(3) or 1.10(4).*

(i) Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)

The purpose of Clause 5.3.7 is to - *ensure that new commercial and high density residential buildings provide sufficient safe, quality and convenient end of trip facilities to enable active travel choices by residents, visitors, workers and customers for the proposed use of the site.*

Sub-clause 2 of Clause 5.3.7 specifies that - *all new buildings in Zones HR, CB, C, SC and TC should provide bicycle parking facilities with a number of bicycle parking spaces calculated at the rate specified in the table to this clause (rounded up to the nearest whole number).* Sub-clauses 3 to 6 specify the minimum standards for design and ratios for end of trip facilities etc. (showers, lockers, changing facilities, design of bicycle parking etc.).

The land is zoned TC and 13 new cabins are proposed to be constructed. For a “Caravan Park” land use (i.e. a non-residential building), the ratio is 1 bicycle parking space per 300m² of net floor area.

The application does not include any formal bicycle parking compliant with sub-clauses 2 to 6, but suggests that bicycles are able to be stored:

- on or adjacent to verandahs of individual rooms
- in rack(s) or other areas adjacent to the existing office at the front of the site and adjacent to the shade structure near the swimming pool (communal open space).

Administratively, sub-clause 1 of Clause 5.3.7 provides that - *the consent authority may consent to a use or development with fewer bicycle parking spaces, lockers and/or showers and changing facilities than required by sub-clauses 2-6 if satisfied that either:*

(a)	there are alternative end of trip facilities (on or off the site), where:		The consent authority notes that:	
	i.	the same function is provided which can accommodate the same number of bicycles and/or users required by the clause;		- there is scope to park bicycles at the verandah of each room, or within the floor area of a room - all accommodation rooms (existing and proposed) on the site include showers
	ii.	access to the alternative end of trip facilities is safe and convenient for users;		
	iii.	the alternative end of trip facilities are sheltered and secure; and		parking of bicycles outside of rooms is not ideal in terms of security and shelter personal items can be stored inside rooms.
iv.	the size and layout of alternative storage areas allows for safe and			

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		<i>comfortable storage and access to bicycles and/or personal items; or</i>	
(b)	<i>it would be unreasonable to provide the end of trip facilities as required by this clause with regard to, but not limited to, the location of the development and likely commute distances; or</i>		<ul style="list-style-type: none"> • this sub-clause is considered relevant • any “workers” staying at the site would likely be in industries that require vehicles (self-drive) • persons travelling with bicycles would likely have encountered premises similar to Alice Village (site layout, room layout etc) • the site layout is detached buildings
(c)	<i>it would be unreasonable to provide shower and changing facilities for a small development, where the development becomes unfeasible should such facilities be required.</i>		<ul style="list-style-type: none"> - this sub-clause is considered relevant - all accommodation rooms (existing and proposed) on the site include showers - no new office areas etc are proposed in the additions to the site

Noting the above matters, it is considered that a complete variation to Clause 5.3.7 to negate the requirement for formal bicycle storage for the new buildings is acceptable.

(ii) Clause 5.8.7 (Demountable Structures)

The purpose of Clause 5.8.7 is to - *ensure that demountable structures do not detract from the visual amenity of the area.*

The 13 proposed buildings are all “demountable structures”,- placement of more than 2 demountable structures on land Zoned TC requires consent (sub-clause 1(b) of Clause 5.8.7 refers).

The application complies with the requirements of sub-clause 4(b) of Clause 5.8.7 as the structures will *be visually consistent with adjoining or nearby development:*

- the majority of other accommodation buildings on Lot 288 are all prefabricated buildings of the same style (building materials and colours etc)
- all buildings are well setback from lot boundaries.

Sub-clause 4(a) of Clause 5.8.7 requires that placement of a demountable structure is to - *include landscaping or architectural embellishments to the demountable structure that will enhance the appearance of the structure.*

The elevations included with the application indicate that the new structures will be finished in a similar manner to the existing accommodation buildings on the site.

An updated landscaping plan is to be required to confirm proposed planting details around the new buildings (e.g. species, number of plants, staging boundaries etc.).

4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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.

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The physical characteristics of the land are considered suitable for the proposed development and use. Works will not be located on those parts of the site that are flood liable (1% AEP River event), minimal filling of the site will be required and there will be no works on or adjacent to road reserves. The conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of dust and noise during construction. Installation/upgrading of any wastewater systems on the site will be included as part of *Building Act 1993* approvals.

5. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, 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 conditions of approval and advisory notes are intended to assist in ensuring:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, connections to and upgrading of electricity supply, water supply services that apply to the development on the site; and
- The NTPS 2020 objectives and development performance criteria relating to access, works within road reserves and the provision of services/infrastructure will be complied with.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to the development complying with the permit conditions and advisory notes, the proposed development and use is expected to provide a good level of amenity to the future occupants of the premises without intrusion into the acoustic and visual amenity of adjacent and nearby land.

7. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The assessment of the application did not identify any declared natural, cultural or heritage values relevant to the subject site.
8. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and the *Planning Regulations 2000* that were in force at the time of lodgement. No public or local government council submissions were received.

FOR: 4

AGAINST: 0

ABSTAIN: 1

ACTION: DAS to prepare Notice of Consent and Development Permit

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

SUZANNE PHILIP
Chair

19 September 2023

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