DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 213 – WEDNESDAY 9 NOVEMBER 2016

DOUBLETREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Denis Burke, David Koch, Alistair Feehan, Jamie DeBrenni, Steve Brown (not present for the deliberation of Item 2)

APOLOGIES: Jade Kudrenko

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Julie Driver, Jennie Ryan, Pearl Randhay

COUNCIL REPRESENTATIVES: Rae-Ellen Swindells, Greg Buxton

Meeting opened at 10:55am and closed at 11:50am
DEVELOPMENT – LOT 116, 65 HARTLEY STREE, TOWN OF ALICE SPRINGS COMMERCIAL DEVELOPMENT COMPRISING ALTERATIONS TO ART GALLERY AND CONSTRUCTION OF CAFÉ, RESTAURANT AND ADDITIONAL GALLERY AREA IN A 3 STOREY BUILDING
APPLICANT - WALES & ASSOCIATES PTY LTD

Mr Matthew Wales attended the meeting and spoke in support of the application.

RESOLVED 0065/16

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements) and Clause 6.6 (Loading Bays) of the NT Planning Scheme, and pursuant to section 53(b) of the Planning Act, alter the proposed development and consent to the development as altered for Lot 116, 65 Hartley Street, Town of Alice Springs for the purpose of alterations and additions to the existing building (art gallery) including internal alterations and construction of a 3 storey extension at the rear of the site comprising of art gallery area, café and restaurant, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works, in principle approval is required for the location of a bus parking bay within the Hartley Street road reserve to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority. The size and the location of the bus parking bay should be selected to conveniently provide for the pick-up and drop-off of passengers for the art gallery, and that the bus parking bay should be designed with a view to minimise the loss of on-street car parking. The bus parking bay is also to be designated as a loading/unloading zone.

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. Before the use commences the owner/developer must, in accordance with section 70(3) of the Planning Act, provide 10 car parking bays. In accordance with section 70(5) of the Planning Act, 10 of the required parking bays may be provided through the payment of a monetary contribution to the Alice Springs Town Council. The contribution is to be calculated in accordance with the requirements of section 70(6) of the Planning Act.

4. 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.
5. 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.

6. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, storm water drainage, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

7. 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.

8. All existing and proposed easements and sites for existing and required utility services must be vested in the relevant authority for which the easement or site is to be created.

9. 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.

10. All proposed works impacting on Hartley Street and the rear laneway 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 Council for approval and no works are to commence prior to approval and receipt of a 'Permit to Work Within a Road Reserve'.

11. 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.

12. 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 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).

13. 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.
14. 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.

15. 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 the NT Fire and Emergency Services.

16. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

17. Storage for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure and associated use. 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 development and use hereby permitted should be designed, constructed, registered and operate in accordance with the National Construction Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

3. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Environment and Natural Resources.

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. 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.

7. Notwithstanding the approved plans:
   - all signage is subject to Alice Springs Town Council approval, at no cost to Council;
   - any awnings in the Alice Springs Town Council’s road reserve are subject to Council approval at no cost to Council.
   - 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.

8. This permit will expire if one of the following circumstances applies:
   (a) the development and use 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

1. Pursuant to section 51(a) of the Planning Act, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The proposed development and use is compatible with the other land uses established in the locality which is within Zone CB (Central Business) of the NT Planning Scheme. With the exception of the provision of on-site car parking spaces and a loading bay, the use and development as presented in the application is considered to be generally consistent with the relevant clauses and objectives of the NT Planning Scheme.

2. A reduction in the car parking pursuant to Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme to 10 spaces is considered appropriate having considered the factors presented by the applicant (within the application and at the public hearing) relating to the proposed use of the land, including:
   (a) The development history of the site (Panorama Guth) which was lawfully established and operated without any on site car parking spaces;
   (b) The previous Development Permit (DP08/0099 – for an office use of the site) granting a waiver of 8 car parking spaces;
   (c) The unlisted/undefined nature of the “gallery” and the ability, pursuant to sub-clause 3 of Clause 6.5.1 of the NT Planning Scheme and section 70 of the Planning Act, for the consent authority to determine the required number of car parking spaces for that use;
   (d) availability of on street parking spaces in the vicinity of the site (Hartley Street and Gregory Terrace);
   (e) there are public car parking areas in close proximity to the site, including
to the northern side of Gregory Terrace;
(f) the site is located within walking distance to public bus stops and taxi ranks within the central business area;
(g) the nature of the proposed use and location within the central business district which may result in:
- cross utilisation within the site (some gallery patrons will also use the restaurant or café on a visit and vice versa);
- as a tourist destination, it is considered a reasonable assumption that a significant proportion of visitors may be expected to travel to the site by bus (interstate and local bus tour groups), taxi / private hire vehicle, foot or bicycle with only bus drop off and collection required;
- restaurant and café patrons will include people working, living or staying in accommodation in town and already parked.

3. A variation to the on-site provision of parking spaces required under Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme for is supported as a payment in lieu to the Alice Springs Town Council, is intended to ensure that parking will be made available in the locality in the long term, and as a provision for commercial uses in a publicly accessible centralised site promotes land use efficiency and improves availability of parking to the full community. A payment in lieu of the 10 car parking spaces is considered appropriate given the proposed café, restaurant and additional net floor area for the gallery generates a demand for short-term car parking. Whilst the use relies on on-street parking and a levy payment is required, the applicant has demonstrated that the parking in the immediate area adjacent the site can accommodate the extent of short-term parking demand anticipated during the peak periods.

4. Amended plans are required to be provided identifying the location of a bus pick-up and drop-off parking bay together with use as a loading/unloading bay within the road reserve to the requirements of the Alice Springs Town Council as:
• no car parking spaces or loading bay will be constructed on the subject site; and
• to ensure that adequate facilities are provided for the loading/unloading of passengers from buses, taxies and delivery vehicles associated with the art gallery and restaurant uses.

The size and location of the bus parking and loading/unloading bay is required to selected to provide for convenient access noting that the loss of on-street parking should be minimised, and that Council may be likely to require a traffic impact assessment in determining the preferred location.

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. A local authority submission was received from the Alice Springs Town Council in relation to the application. The matters raised in the submission were acknowledged and discussed in the report that was considered by the Development Consent Authority at their meeting held on 06/11/2016. The Authority also consider the verbal evidence from the applicant and the Alice Springs Town Council representatives at the hearing of the application.
6. Pursuant to section 51(h) of the Planning Act, in considering a development application, the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application. The proposed building design is considered to be consistent with the relevant objectives of the NT Planning Scheme that apply to development within Zone CB in Alice Springs.

7. Pursuant to section 51(m) of the Planning Act, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of electricity, sewerage, water services, storm water drainage and works within the road reserves that apply to the development and use of the land.

8. 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 and use is not expected to adversely impact the existing and future amenity of the immediate area as the design is consistent with the planning and urban design outcomes for land zoned CB in Alice Springs. The application was placed on public exhibition in accordance with the requirements of the Planning Act and Planning Regulations. No public submissions were received during the exhibition period.

**ACTION:**

DAS to prepare a Notice of Consent and Development Permit

**ITEM 2**

**DEVELOPMENT – NT PORTION 6811, 69 BULLEN ROAD, SUBURB OF WHITE GUMS, ALICE SPRINGS**

**SUBDIVISION TO CREATE 9 LOTS**

**APPLICANT - URPS**

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

Grazio Maiorano, Patrick Brown and Dr Bill Low attended the meeting and spoke in support of the application.

Submitter, Rod Cramer (Alice Springs Rural Area Association), attended the meeting and added to his submission. Submitter Jane Bannister was an apology.

**RESOLVED**

0066/16

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defers consideration of the application to develop NT Portion 6811, 69 Bullen Road, Suburb of White Gums, Alice Springs for the purpose of a subdivision to create 9 lots 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:

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These minutes record persons in attendance at the meeting and the resolutions of the Development Consent Authority on applications before it. Reliance on these minutes should be limited to exclude uses of an evidentiary nature.
1. An amended subdivision plan to show:  
   (a) proposed Lots 1 - 3 with a minimum area of 8ha or identification of any  
       special circumstances the applicant wishes to bring to the Development  
       Consent Authority’s attention which may justify variation/s to Clause  
       11.1.1 of the NT Planning Scheme, in accordance with sub-clause 4 of  
       Clause 2.5 (Exercise of Discretion by Consent Authority);  
   (b) each proposed lot (Lots 1-8) has a minimum of 1ha of unconstrained  
       land (including unconstrained access from a public road);  
   (c) the proposed location and details of the reverse osmosis water treatment  
       system;  
   (d) The location of notional and existing bores and on-site effluent disposal  
       systems for each lot (in compliance with the requirements of sub-clause 2  
       of Clause 11.4.3 of the NT Planning Scheme); and  
   (e) vehicle access arrangements for proposed Lots 1 – 8 that meet the  
       requirements of Alice Springs Town Council.

2. Demonstration to the satisfaction of:  
   - Department of Environment and Natural Resources and the Controller of  
     Water Resources;  
   - Environmental Health Branch of the Department of Health; and  
   - Power and Water Corporation;  
   that an adequate supply of groundwater is available to supply each lot for  
   domestic purposes and that the proposed subdivision will not impose  
   unsustainable or unacceptable demands on or risks to groundwater resources  
   (in particular the Roe Creek Borefield & Wanngardi Basin).

3. Comment from the Alice Springs Town Council with respect to the storm  
   water management plan such that the consent authority can be satisfied that  
   the requirements sub-clause/s 5 & 6 of Clause 11.4.1 of the NT Planning  
   Scheme have been complied with.

4. Support (in principle) from the Alice Springs Town Council regarding the  
   proposed closure / realignment of Jane Road.

5. Demonstration and agreement with the Environmental Health Branch of the  
   Department of Health that the soils within the unconstrained land identified  
   on each of the proposed lots (Lots 1 – 8) are suitable for the on-site  
   absorption of effluent without detriment to the environment and in particular  
   ground waters (Roe Creek Borefield & Wanngardi Basin).

REASONS

1. Pursuant to section 51(a) of the Planning Act, in considering a development  
   application the Development Consent Authority must take into account the  
   planning scheme that applies to the land to which the application relates.  
   (a) Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning  
       Scheme requires that lots in Zone R in Alice Springs be a minimum size  
       of 40ha with a minimum 1ha of unconstrained land. The proposed lots  
       do not comply with this requirement and no special circumstances have  
       been demonstrated in the application for consideration under Clause 2.5  
       (Exercise of Discretion by the Consent Authority) of the NT Planning
Scheme.
(b) Clause 11.4.2 (Infrastructure in Subdivision of Rural and Unzoned Land) of the NT Planning Scheme requires that where no reticulated water supply is available, a subdivision design is to demonstrate that an adequate supply of groundwater is available for domestic purposes.
(c) The comments received from the Alice Springs Town Council with respect to the storm water management plan does not assure the consent authority that it can be satisfied that the requirements sub-clause/s 5 & 6 of Clause 11.4.1 of the NT Planning Scheme have been complied with

2. The Development Consent Authority must not consent to a proposed development if the proposal is contrary to provisions in the NT Planning Scheme that include statements of policy in respect of the use or development of land (section 52(1)(a) of the Planning Act refers). The policy statements contained in:
(a) Part 2 (Planning Principals and Framework);
(b) Clause 2.7 (Reference to Policy) – Alice Springs Regional Land Use Plan 2016;
(c) Clause 5.20 (Zone R – Rural);
of the NT Planning Scheme emphasise the importance of protecting water resources, in particular the Roe Creek Borefield. It is considered that the concerns raised by service authorities regarding water supply and disposal of effluent need to be satisfactorily addressed as a prerequisite to any approval being granted for the development application.

(d) 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. Three public submissions and a local authority submission were received in relation to the application. The matters raised in the submissions have been acknowledged and discussed in the report considered by the Development Consent Authority at their meeting held on 06/11/2016. The Authority also considered the written response already provided and the verbal evidence from the applicant, submitters and the Alice Springs Town Council at the hearing of the application. The additional information sought through the deferral of the application is intended to address the concerns raised in the submissions.

(e) Pursuant to section 51(m) of the Planning Act, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The information sought through the deferral of the application is intended to assist in ensuring service authority interests are duly considered in terms of land capability for on-site waste water disposal, storm water drainage and water supply.

(f) 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. Demonstration that an adequate supply of groundwater is
available for domestic purposes for the proposed subdivision and that service authority requirements can be met is necessary to ensure that there is no negative impact on the existing or future amenity of the area.

5. Pursuant to section 51(s) of the Planning Act, in considering a development application the Development Consent Authority must take into account any beneficial uses, quality standards, criteria, or objectives, that are declared under Section 73 of the Water Act. The Department of Environment and Natural Resources has identified that the proposed White Gums subdivision is located within the Alice Springs Water Control District and is subject to the Alice Springs Water Allocation Plan, and that as specified in the plan:

- Water from the Wanngardi Basin is used for unlicensed domestic purposes and licensed industry (caravan park) use; and
- Licensed extraction from the Wanngardi Basin up gradient (south-east) of the White Gums area will only be permitted once the applicant can prove to the satisfaction of the Controller of Water Resources, that extraction would cause no detriment to existing users.

**ACTION:** Development Assessment Services to prepare a letter of deferral

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

DENIS BURKE  
Chairman  
18/11/2016