DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 171 – WEDNESDAY 8 MAY 2013

DOUBLE TREE BY HILTON
82 BARRETT DRIVE
ALICE SPRINGS

MEMBERS PRESENT: Peter McQueen (Chairman), David Koch, John McBride and Brendan Heenan (not present for deliberation of item 3)

APOLOGIES: Geoff Booth

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack, Mal MacDonald and Kirra Morgan

COUNCIL REPRESENTATIVE : Nil

Meeting opened at 9:45 am and closed at 10:15 am
ITEM 1  DEVELOPMENT – WAREHOUSE, LIGHT INDUSTRY AND OFFICE
LOT 9227, 3 GHAN ROAD, SUBURB OF CICCOME, TOWN OF ALICE SPRINGS
WALTJA TJUTANGKU PALLYAPAYI ABORIGINAL CORPORATION

Development Assessment Services tabled a copy of comment received from the Department of Health (Environmental Health Division). Sharjin King attended the meeting in support of the application.

RESOLVED 0039/13

Pursuant to section 53(b) of the Planning Act, the Development Consent Authority alters the proposed development and consents to the proposed development as altered to develop Lot 9227 (3) Ghan Road, Suburb of Ciccone, Town of Alice Springs for the purpose of warehouse, light industry and office use, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans, documentation must be provided, demonstrating, to the satisfaction of the consent authority, that:
   a) soil testing has been undertaken with respect to the north-western part of the site (enclosed by a fence and including a barbecue, seating and playground area for occasional use); and
   b) the test results have been analysed and assessed by a suitably qualified person/s; and
   c) the conclusion of that analysis and assessment (and if deemed necessary by that assessor, any associated inspection of the site) is that residual contaminants (if any) from previous use/s of the site, do not present a credible risk to the health of users of the enclosed area.

2. The applicant may submit revisions to the site plan to include two existing carparks located in the south-western corner of the lot. Approval of the carparks as part of the development will be subject to referral of the revised plans to the Power and Water Corporation and the Alice Springs Town Council for comment on technical matters and due regard to any comment received from those agencies.

GENERAL CONDITIONS

3. Works carried out under this permit must be in accordance with the drawings endorsed as forming part of this permit, to the satisfaction of the consent authority.

4. Any developments on or adjacent to any easements on site must be carried out to the requirements of the relevant service authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

6. Stormwater is to be retained on the site or collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

7. The areas set aside for driveways, loading and unloading and the parking of vehicles 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 gravel or an all-weather-seal coat;
   d) drained; and
   e) line marked (or delineated) to indicate each car space, to the satisfaction of the consent authority.

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

8. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, and any dead, diseased or damaged plants are to be replaced.

NOTES

1. This development permit does not grant "building approval" for the proposed development. The developer is advised to engage a registered private Building Certifier to ensure that all necessary building approvals are obtained.

2. 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.

3. You are recommended 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 Development Consent Authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed development is considered...
to respond satisfactorily to the relevant provisions of the Northern Territory Planning Scheme.

2. Pursuant to section 51(e) of the Planning Act the consent authority must take into consideration any submissions received. No public submissions were received.

3. The Alice Springs Town Council did not make a submission under section 49 of the Planning Act and no public submissions were received.

4. Pursuant to section 51(h) of the Planning Act the consent authority must take into consideration the merits of the proposal. The site:
   a) meets key needs of the owner in supporting delivery of a range of support services to remote communities;
   b) includes amenities and car parking for staff and clients;
   c) includes provision for persons with disability;
   d) is compatible with current adjoining land neighbouring land uses, including warehouse and showroom sales (equipment hire); and
   e) includes a high standard of landscaping and parking provision, as promoted by the Western Area Plan, which forms part of the Planning Scheme.

5. Pursuant to section 51(p) of the Planning Act the consent authority must take into consideration the public interest. The consent authority, noting:
   a) that the proposal makes provision for persons with disability;
   b) the Department of Health’s comment in relation to the application;
   c) that the Manager of Waltja Tjutangku Palyapayi Aboriginal Corporation (the owner/occupants of the land) has advised verbally that:
      i. the enclosed area surrounding the playground will not be a childcare facility and its use will be variable, but generally infrequent; and
      ii. if children are within the enclosed area, its use will be supervised;
    considers it to be in the public interest to reasonably ensure that the occasional use of the playground and surrounding enclosed area by Waltja’s clients and staff is not likely to pose a credible health risk to users on account of residual contaminants from previous use/s of the site. The consent authority considers that the proposed development is not contrary to the public interest, subject to the terms of approval.

6. Clause 2.5.3 of the NT Planning Scheme allows the Development Consent Authority discretion to consent to development that does not meet a standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. There are a number of circumstances which exist in relation to the proposed development which, collectively are considered to constitute a reasonable basis for supporting the requested variation to Clause 6.5.3 (Parking Layout) including:
   a) It is expected that vehicles accessing the site will be predominantly motor cars and light four wheel-drive vehicles, limiting the damage of vehicles to the surface of the parking area.
b) The site includes a sign-posted 5km/h internal speed limit, which is expected to limit dust generation and impacts of the use on adjoining properties.

c) Development Assessment Services was not aware of any dust issues emanating from the use of the property since it was established circa 2002.

d) The crossover from the street to the site and the initial section of driveway is sealed, ensuring that the most heavily trafficked part of the driveway will require minimal ongoing maintenance.

e) It is expected that the shed adjacent to the southern boundary of the site and the shed to the western side of adjoining Lot 9226 would significantly shelter the parking area from prevailing easterly to southerly winds; and existing buildings on the site and adjoining Lot 9401 would similarly shelter it from westerly and north-westerly winds; thereby limiting the potential for dust being generated in the parking area and impacting on neighbouring properties.

f) It is expected that the existing gravel surface treatment of the parking area will be adequate, if it is suitably maintained and managed.

7. A variation to Clause 9.1.1 (Industrial Setbacks) of the Planning Scheme may be supported with respect to an existing carport that is constructed adjacent to the rear boundary of the property on the grounds that no planning concerns have been identified and the location of the structure assists in maximising the amount of shaded parking provided on the site. While the structure is not shown on the plans provided, it is expected that the applicant will amend the plans to include it.

8. The car parking areas and driveways on the site must be managed so that the amenity of the area is not detrimentally affected, through the emission of dust.

9. The conditions of approval are expected to:
   a) assist in ensuring the orderly development of the site;
   b) duly recognise service authority interests; and
   c) ensure that the use of the property does not present any significant health risk.

   **ACTION:** Notice of Consent and Development Permit

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**ITEM 2**

**DEVELOPMENT – CHANGE OF USE (PART OF SITE) FROM RESTAURANT TO HOTEL (BAR)**

LOT 7594, 20 GREGORY TERRACE, TOWN OF ALICE SPRINGS

DIPLOMAT TRADING AUST PTY LTD

No representatives attended the meeting for this item.

**RESOLVED**

0040/13 That, pursuant to section 53(a) of the Planning Act, the Development Consent Authority vary Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme and determine that no additional parking spaces are required and grant consent to develop
Lot 7594, 20 Gregory Terrace, Town of Alice Springs for the purpose of changing use (part of site) from ‘Restaurant’ to ‘Hotel’ subject to the following conditions:

**CONDITIONS**

1. The works carried out under this permit shall be in accordance with the drawings numbered Job 1203, Drawing 1 and Job 1345 Drawing 1-2 Issue A prepared by Steve Adler and endorsed as forming part of this permit. This condition is to the satisfaction of the consent authority.

2. Before the use or occupation of the development starts, the area 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.

3. 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.

4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply and electricity facilities to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.

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

6. The car parking shown on the endorsed plan/s must be available at all times for the exclusive use of the occupants of the development and their visitors.

7. The loading and unloading of goods from vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land.

**NOTES**

1. This development permit does not grant building approval for the proposed works. You are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing
works.

2. 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.

3. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the Building Code of Australia, the NT Public Health Act and Regulations, the NT Food Act and National Food Safety Standards.

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 development does not conflict with the objectives and performance criteria of the NT Planning Scheme and will not prejudice the ongoing use of the land in accordance with the objectives of Zone CB (Central Business), Clause 14.4.1 (Central Alice Springs Commercial Area Plan) and Clause 14.4.3 (Todd Street Tourism Area Plan) of the Northern Territory Planning Scheme.

2. The Development Consent Authority having regard to sections 70(3) and 70(4) of the Planning Act considers that a reduction in the car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supportable under Clause 6.5.2 (Reduction in Parking Requirements) of the Scheme in recognition of:

a) The use of the site appears to have functioned well since the late 1980s when the first planning approval was granted. The continued use of the site, with additional hotel (bar) floor area is not considered to necessitate the need for additional car parking bays other than shown on the drawings submitted with the application;

b) The bulk of the calculated shortfall is a result of the requirement in Clause 6.5.1 of the Northern Territory Planning Scheme for parking for a hotel ‘bar’. The requirement is considered to be in excess of what is required in this instance as the majority of patrons using the venue are anticipated to either be staying within the on-site accommodation or be in the town area already. Free public car parking spaces are available within the adjacent road reserves and Council car park, the site is also within convenient access to a taxi rank and public transport (bus) services.

c) Utilisation of the venue’s parking by individuals has not, to date, created any issues for hotel guests. The existing use is believed to generate little demand for car parking and no significant issues have arisen with the current use to date.

3. Pursuant to section 51(n) of the Planning Act, the consent authority must take
into consideration the potential impact on existing and future amenity of the area in which the land is situated. The proposed change of use is expected to benefit the streetscape and vitality of the area and is not expected to have any adverse impact on the existing or future amenity of the locality.

4. The application was publicly exhibited in accordance with the requirements of the Planning Act and Planning Regulations and no adverse submissions were received.

**ACTION:** Notice of Consent and Development Permit

**ITEM 3 DEVELOPMENT – HOME BASED CONTRACTING (GARAGING OF TRUCKS) LOT 7105, 330 ROSS HIGHWAY, SUBURB OF ROSS, TOWN OF ALICE SPRINGS PROJECT BUILDING CERTIFIERS PTY LTD**

Mr Brendan Heenan, a member of the Development Consent Authority declared an interest pursuant to section 97(1) of the Planning Act, and absented himself from the meeting for the deliberation of this item.

Bruce and Shirley Stanes (land owners), Karl Smith (applicant), Rod Cramer Andrea Clover, Cliff Glover and Burgemeister (submitters) attended the meeting.

Bruce Stanes tabled a copy of the drawing that formed part of the Development Application (dated 1992) to subdivide Lot 565 to create Lots 8208 and 8209. Mr Stanes noted the position of the dwelling that is currently on Lot 8209 is different to that shown on the drawing that formed part of the subdivision application.

Karl Smith tabled a written response to issues raised within submissions.

**RESOLVED 0041/13** That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to develop Lot 7105, 330 Ross Highway, Suburb of Ross, Town of Alice Springs for the purpose of home based contracting 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:

1. Outline of how the development is consistent with the NT Planning Scheme definition of “home based contracting” and is not a “transport terminal”;

2. Outline of any special circumstances/merit in support of the variations to the maximum area, number of vehicles and visibility of goods and materials permitted under Clause 7.10.8 (Home Based Contracting) of the NT Planning Scheme;

3. Detailed schedule of all vehicles owned or operated by the business and anticipated garaging/servicing requirements on Lot 7105;

4. Hours of operation including hours within which routine heavy vehicle movements may be expected to access the site;
5. Details of any upgrading for access off Ross Highway (including driveways, crossovers and turning radii) suitable for heavy vehicles use; and

5. Detailed schedule of all landscaping (species and location) and any other methods of screening proposed to minimise alleged adverse impacts on the visual and acoustic amenity of the area.

7. Details (materials, timeframe for completion) of any dust suppression of driveways, manoeuvring, parking and loading areas within the site for vehicles associated with the home based contracting use. A site plan illustrating the extent of dust suppression works/materials will be of assistance.

**REASONS FOR THE DECISION**

1. Pursuant to section 46(4)(b) of the *Planning Act*, the consent authority “may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application”.

2. Pursuant to section 51(m) and section 51(n) of the *Planning Act*, the consent authority must consider the potential impact on the amenity of the area and existing public infrastructure adjoining the site. It is not considered that the application provides an accurate description nor explanation of the impact of the activities nor sufficiently addresses the question of the intent for home based contracting within Zone RL, and the consent authority requests additional information to assist in its determination of the application.

3. Pursuant to section 51(n) of the *Planning Act*, the consent authority is required to consider the potential impact on the existing and future amenity of the area in which the land is situated. The application has not addressed the impacts of the activity on the amenity of the area and matters raised in public submissions indicate that these have had a detrimental effect on the rural character and amenity of the immediate area. The application suggests that activities associated with the home based contracting will be limited that area within the shed and that additional landscaping treatment will be undertaken. The authority considers that these measures will not be sufficient in themselves to ensure the amenity of surrounding residents is preserved.

**ACTION:** Notify applicant and submitters of deferral

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

[Signature]

PETER McQUEEN
Chairman

1/5/2013

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.