



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 236– WEDNESDAY 8 AUGUST 2018

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

MEMBERS PRESENT: Suzanne Philip (Chair)
David Koch
Alistair Feehan,
Marli Banks (not present for hearing or deliberation of Item 1)

APOLOGIES: Jamie de Brenni

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:05 am and closed at 1:00 pm

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 TRANSPORT TERMINAL

PA2018/0213 NT PORTION 6367, 900 ILPARPA ROAD, SUBURB OF WHITE GUMS

APPLICANT MASTERPLAN NT

The Chair noted that Marli Banks had declared a possible conflict of interest (as a member of the Alice Springs Rural Area Association (ASRAA)). Marli Banks did not take part in the hearing or deliberations on this item.

Development Assessment Services tabled the following documents:

- comment received from the Power and Water Corporation (Services Development – Water & Sewerage) dated 03/08/2018; and
- an email from the Environment Division of the Department of Environment and Natural Resources dated 07/08/2018.

Jack Priestly, Simon Tonkin and Tony Smith attended the meeting and spoke further to the application. Simon Tonkin tabled a document listing the zones in which “transport terminal” was a permitted and a discretionary use.

Submitters, Hon Chansey Paech MLA, Geoff Purdie, Chelsea Rogers, Shae Griffith, Rod Cramer, Maria McCoy and Adriana Bugg spoke further to their submissions.

Rod Cramer and Maria McCoy tabled documents relating to the matters raised at the hearing and observations of activity on the site respectively.

PAWC representatives (Jim Gibbons and Karl Smith) spoke further to the Commission’s submission. An Alice Springs Town Council representative (Dilip Nellikat) spoke to the Council’s submissions raising additional matters relating to stormwater drainage, road infrastructure and traffic safety.

RESOLVED That, pursuant to section 53(c) of the *Planning Act*, the Development Consent
0089/18 Authority refuse to consent to the application to develop NT Portion 6367 (900)
 Ilparpa Road, Alice Springs for the purpose of a transport terminal and storage
 of demountable structures for the following reasons:

1. Pursuant to section 51(a) of the *Planning Act*, 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 land is subject to the provisions of the NT Planning Scheme (NTPS), as follows:
 - a) The subject land is zoned R (Rural). The Application seeks permission to use the land for the purposes of a transport terminal, such use being a Discretionary Use under the applicable terms of Zone R. The term “transport terminal” is defined under Clause 3.0 NTPS as follows:

“transport terminal” means premises used for the: (a) loading, discharge or storage of goods in the course of the transport of those goods by air, road, rail or ship; (b) garaging and basic maintenance of fleet vehicles; or (c) servicing, repair and garaging of buses;

The Application, as exhibited, states that the proposed use is for “*the storage of transportable buildings*”. Such storage is on a temporary basis, the transportable buildings to be dispatched from the subject land, from time to time, for use at various sites and then periodically returned to the subject land for storage until dispatched again for further use. The transportable buildings will initially be used at a pipeline construction project in the Tanami. In its response to public submissions the Applicant states, “*The primary use of the site is for the temporary storage of goods, in the form of transportable buildings that are in transit to facilitate specific project demands at various locations within the wider region.*”

The Applicant, therefore, relies on characterisation of the use of the subject site as falling under clause (a) of the definition of transport terminal –

(a) loading, discharge or storage of goods in the course of the transport of those goods by air, road, rail or ship.

The Authority did not accept that interpretation. There is no definition of “**goods**” in either the NTPS or the Planning Act, so the word must be given its ordinary meaning. The Macquarie Dictionary definition of “**goods**” includes –

- 1. possessions, especially movable effects or personal belongings.*
- 2. articles of trade; wares; merchandise, especially that which is transported by land.*

While the definition also includes a reference to “goods and chattels” as including “all movable properties”, the term “chattels” is not used in the NTPS.

The Authority did not consider that the ordinary meaning of the term goods includes transportable buildings. This was further strengthened by the definitions found in the Planning Act Section 3 which defines “*building*” as including “*a structure of any kind (including a temporary structure)*” and “*Construct*”, in relation to a building, as including (d) *to place or relocate the building on land.*

The NTPS contains a specific definition of demountable structures in clause 3.0 as follows –

“demountable structure” means a building, including transport containers, which is wholly or substantially prefabricated and which is designed to be transported from site to site, but does not include a caravan or transportable module used in conjunction with an education establishment or as a medical clinic or as a construction site office or a prefabricated dwelling.

The NTPS further regulates the placement of demountable structures on land in Clause 6.8.

Given those various definitions and provisions and the overall effect that even placing a temporary structure on land amounts to a construction, the Authority did not accept that transportable buildings amount to “**goods**” for the purpose on the definition of “transport terminal”.

Further, the definition of “transport terminal” requires that storage of goods takes place “*in the course of the transport of those goods by air, road, rail or ship*”.

The Authority considered that “**in the course of**” requires that goods are stored on a temporary basis during part of the ongoing process of transporting them, for example, “goods” unloaded from a train and stored pending further distribution/transport. The applicant makes the point in their response to submissions that –

“All transportable buildings will be removed from site by September 2018 to service a gas pipeline construction project. The scheduled time in which the transportable buildings will be transported back to the site is March of 2019, albeit this depends largely on the progress and completion of the gas pipe line construction project. The operation of the business and the logistics involved means transportable buildings are typically incrementally transported to and from the site.”

The Authority considered that the transportable buildings are the core assets of the business that are leased on a temporary basis. Ongoing movement is to and from the subject site for the purpose of storing those assets of the business for further use in the business of hiring those assets. Furthermore, it was clear from photos and oral evidence provided by submitters that the transportable buildings are repaired and maintained on the subject site for their ongoing use in the business. Transport of the transportable buildings occurs only as adjunct to the business of hiring them. The Authority did not consider the use of the subject site to mount to storage of goods “**in the course of transport**” as required by the NTPS definition.

- b) The Authority, having taken into account the application as exhibited and additional information provided, considered that the proposed use did not meet the elements of the definition of “transport terminal”, but found that the proposed use as outlined in the Application and Response to Submissions was consistent with the definition of “industry” in clause 3.0 of the NTPS, which provides as follows -

“industry” includes the following operations:

- (f) the storage of goods, equipment or vehicles not in association with any other activity on the site, but not including transport terminal, vehicle sales and hire or warehouse;*

There is no definition of “equipment” in the Planning Act or the NTPS so the ordinary meaning of the word must be considered. The Macquarie Dictionary defines “equipment” as including –

- 1. anything used in or provided for equipping;*

It further provides that “equip (equipped, equipping) means –

- 1. to furnish or provide with whatever is needed for services or for any undertaking;*

The Applicant relied on characterisation of the proposed use as a “transport terminal” to exclude it from the definition of “industry”.

However, the Authority did not consider that the proposed use amounted to a transport terminal and considered the definition of industry, in particular the term “equipment”, to be sufficiently wide to encompass the use of storage of the demountable structures belonging to a business whose primary focus is the hiring of such.

The Applicant states “*NT Link service a range of project-based clients, providing transportable buildings to facilitate a range of operational needs.*” Given that the demountable structures are the ongoing infrastructure by which the business of hiring them is conducted; they will be returned on a regular basis to the subject site; they are not merchandise for sale but form part of the “fixed” assets of the business which at least to some extent is being conducted from the subject site, the Authority considered that they fall within the definition of equipment.

- c) Under clause 5.20 Zone Purpose and Tables for Zone R (Rural), “industry” is a prohibited use and the consent authority does not have the power to determine the application.
 - d) Having determined that the Application should be classified as “industry” rather than “transport terminal” it was not strictly necessary for the Authority to further address matters raised in relation to the Application and the use of the subject property as a “transport terminal”. However, as a matter of completeness, and in the alternative to the matters considered in relation to the classification of the proposed use, the Authority noted the following matters which it considered would prevent consent being given to the use of the property as outlined in the Application and supporting documents, including the Response to Submissions, Amended Site Plan and proposed Environment Management Plan (EMP).
 - e) The Authority considered the terms of clause 6.8 (Demountable Structures) and determined that the proposed use of the site for the placement of demountable structures failed to meet the provisions relating to the requirements for satisfactory landscape screening. Clause 6.8 requires that the structures do not detract from the visual amenity of the area, in terms of the impact on adjoining properties. Even noting the proposals for landscaping contained in the EMP, the Authority did not consider such landscaping could address the visual amenity issues raised by the number of transportable structures and operations of the transport terminal as proposed.
 - f) Further the Authority considered that the development and use, as proposed in the original Application and then amended by Response to Submissions, amended site plan and proposed EMP, was contrary to the purpose of Clause 10.5 (Transport Terminals in Zones R and H) of the NT Planning Scheme. Clause 10.5 requires such use not cause a detriment to the amenity of the locality or create a potential hazard to traffic on abutting roads. The Authority’s reasons are considered in the following paragraphs.
2. Pursuant to section 51(e) of the *Planning Act*, in considering a development application, the consent authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. 94 public submissions were received with respect to the proposal. All submissions were in

opposition to it and cited a range of matters including adverse impact on amenity (visual and noise), environmental disturbance (dust) and traffic safety (number and movement of large vehicles).

3. Pursuant to section 51(n) of the Planning Act, in considering a development application, the Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The application was retrospective and public submissions identified that the use and development of the site, as already commenced, adversely impacts the amenity of residents on adjacent and nearby land in terms of:
 - Safety hazard / nuisance of wide load trucks driving along Ilparpa Road and manoeuvring to and from the driveway to the site;
 - Visual appearance of trucks and demountable structures (numbers and proximity to boundaries);
 - Lack of landscape screening;
 - Noise (hours of operation and sound levels);
 - Soil degradation and dust nuisance emanating from activities on the site; and
 - The land use being inappropriate for the locality in terms of scale of site area, goods being stored on site and vehicle movements.

Proposed amendments to the method of operation as outlined in the EMP and amended site plan would not substantially alleviate those adverse impacts. Many of the public submissions were lengthy and detailed and a number of submitters spoke of their concerns at the Meeting.

The Environment Division of the Department of Environment and Natural Resources did not support the proposal and provided a further letter at the Meeting confirming that stance. The Power and Water Corporation identified issues, both in written correspondence and by oral submissions made by representatives at the Meeting, relating to increased risk of contamination of the Roe Creek Borefield (from local groundwater which feeds into the Mereenie Aquifer) which have not been addressed in the application. It was further indicated that the proposed EMP and Response to Submissions had been considered but did not allay those concerns. The Alice Springs Town Council representative attended and spoke, outlining the Council's reservations about the development proceeding without information relating environmental and traffic management, upgrading of road infrastructure and future operational plans.

The Authority noted that Mr Tonkin, on behalf of the Applicant, urged the Authority to disregard the manner of operation of the business to date and consider the proposed measures intended to address the various concerns raised by residents and Service Authorities as outlined in the proposed EMP and amended site plan. However, the Authority was not satisfied that the proposed measures could satisfactorily address all of the concerns raised.

4. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the consent authority must take into account the public interest. On balance, the Authority considered that the use of the site (as presented in the application and supplementary documents) did not comply with the purpose and standards for "transport terminal" use as set out in Part 4 of the NT Planning Scheme and therefore was not in the public interest

ACTION: DAS to prepare a Notice of Refusal

ITEM 2 GARAGE ADDITION TO EXISTING SINGLE DWELLING WITH REDUCED BUILDING SETBACK TO FRONT BOUNDARY AND CONSTRUCT SHED & VERANDAH WITH REDUCED BUILDING SETBACKS TO SIDE AND REAR BOUNDARIES

PA2018/0268 LOT 6122, 95 CROMWELL DRIVE, SUBURB OF DESERT SPRINGS

APPLICANT SOREN & MARISSA HANSEN

Applicant Soren Hansen and Steve Adler attended the meeting and spoke further to the application.

Submitter Richard Worrall attended the meeting and spoke further to his submission.

**RESOLVED
0090/18**

That, the Development Consent Authority varies the requirements of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory 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 6122 (95) Cromwell Drive, Suburb of Desert Springs, Town of Alice Springs for the purpose of a garage addition to the existing single dwelling with reduced building setback to the front boundary and construct shed and a verandah building with reduced building setbacks to eastern side and rear boundaries respectively, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to commencement of works (including site preparation), amended plans are required to be submitted for endorsement and endorsed by the consent authority as part of this permit. Endorsement of the plans is at the discretion of the consent authority. The plans must be in Adobe PDF format, drawn to scale with dimensions and generally consistent with the plans originally submitted and publicly exhibited, but amended to include a schematic plan demonstrating the on-site collection of stormwater providing for the containment of stormwater on the site and/or its discharge into the Alice Springs Town Council's stormwater drainage network.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Stormwater is to be collected and contained within the site and/or 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.
4. Any new (or alterations to existing arrangements to the) kerb crossover/s and driveway/s (works within the road reserve) to the development approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity

services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.

NOTES:

1. The swimming pool on the site will need to comply with the requirements of the Swimming Pool Safety Act, the developer should contact the Swimming Pool Fencing Unit of the Department of Infrastructure, Planning and Logistics for further information.
2. Adjoining Lot 8121 is Crown Land. The Crown Land Estate Branch of the Department of Infrastructure, Planning and Logistics has advised that:
 - access through, and use of Crown Land (Lot 8121) for and during construction requires its prior approval; and
 - access to the shed and verandah must be within the site and should not through Crown land (unless prior approval is granted). The Crown Land Estate Branch may be contacted at: crownland.alicesprings@nt.gov.au.
3. This development permit does not grant "building approval" for the proposed works. 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.
4. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council* before commencement of any work within the road reserve.
5. 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.
6. 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.
7. Prior to applying for building approval and works commencing, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations*.

REASONS

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 development is of a form and scale that may be reasonably expected within Zone SD (Single Dwelling Residential) of the Northern Territory Planning Scheme and is not expected to be out of character with the established development within the locality.

2. Variations are granted to:
- a) front (primary street) building setback requirements of clause 7.3 (Building Setbacks of Residential Buildings and Ancillary Structures) of the Northern Territory Planning Scheme for a garage addition to the existing single dwelling, as:
 - (i) The garage will be setback approximately 5.5m from the road carriageway and 4m from the western side boundary, providing sightlines to and from the street, provided that plants within the road reserve are suitably trimmed.
 - (ii) There is a footpath on the opposite side of the street, but none on the northern side (i.e. adjacent to the proposed garage), limiting the likely pedestrian usage of the area between the garage and the street.
 - (iii) The location of the proposed garage on the site will allow continued use of part of the existing concrete driveway and kerb crossover.
 - (iv) The Alice Springs Town Council, the relevant road authority, has commented on the application and not identified any concerns in principle with respect to site access or sightlines.
 - (v) The footprint of the existing single dwelling and in-ground swimming pool are site constraints.
 - (vi) The proposed development works include converting part of the existing double garage that is under the main roof-line into internal living space.
 - (vii) The owners have identified that the dimensions of the existing garage are not adequate to be a well-functioning garage.
 - (viii) There is not adequate space to the front of the site to construct a new garage to accommodate 3 vehicles and that complies with minimum setback requirements.
 - (ix) Notwithstanding that most dwellings within the Zone SD section of Cromwell Drive comply with the 6m minimum building setback requirement, the garage:
 - is single storey; and
 - has been architecturally designed as an extension to the dwelling, with a ‘hip’ roof designed to tie in with the existing hip roof of the dwelling; and
 - is not expected to present as visually massive or to be out of character with the streetscape.
 - (x) A public submission from the owner of an adjoining lot was received, expressing reservations in relation to expected visual impacts of the proposed shed/verandah building to the rear of the lot, but not identifying any concerns in relation to the proposed garage addition. It is envisaged that if the existing garage was retained instead of constructing a new garage, the owners may construct further additions to the dwelling within the rear yard area, in order to increase the living area and domestic storage capacity and that such additions will likely be perceived by the submitter as having a greater impact on their amenity than the new garage as proposed, noting that the submission expresses concern at the amount of roofed area within the rear yard; and

- b) side and rear boundary building setback requirements of clause 7.3 for a shed/verandah building, as:
- (i) While the proposed building would have a roofed area in the order of 180m² which has the potential to be perceived as 'visually massive' (particularly) from the first floor balcony of adjoining Lot 6121, through limited modifications to the design and siting of the building, the design could be amended to comply with the minimum setback requirements without significantly changing the nature of any such impact.
 - (ii) The building will not be easily visible from Cromwell Drive and is not expected to have any significant amenity impact on views towards the site from the golf course or the street on account of reduced side and rear setbacks.
 - (iii) The lot is within range of a golf tee and golf balls are advisedly frequently driven into the yard, constituting a safety risk for people in the rear yard. The location of the verandah uprights 0.2m from the eastern side boundary of the lot with mesh screening attached will maximise the usable yard area and provide refuge/protection from golf balls being driven from the adjoining golf course towards the yard.

In accordance with Clause 2.5 (Exercise of Discretion by the Consent Authority) of the NT Planning Scheme, the aforementioned circumstances, design features and site conditions are considered cumulatively to be special circumstances that justify the granting of variations to clause 7.3 of the Scheme.

3. Pursuant to section 51(e) of the *Planning Act*, the consent authority must take into consideration and public and local authority submissions. The application was publicly exhibited in accordance with the *Planning Act* and Planning Regulations. One public submission was received from an owner of an adjoining residential property. The submission to the consent authority and evidence given by the submitter at the public hearing identified concerns at expected loss of amenity to their property primarily on account of the loss of views and visual amenity due to the substantial size of the roof of the proposed shed/verandah building. The consent authority does not anticipate that requiring the proponent to amend the design of the shed/verandah building to comply with the side and rear setback requirements will result in discernibly improved amenity outcomes for adjoining Lot 6121 Cromwell Drive. No local authority submissions were received.
4. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The proposed garage is an architecturally designed addition to the existing dwelling and is not expected to have any material impact on the amenity of any property, the locality or the streetscape.

The submitter, who is owner of an adjoining property has identified that they anticipate a loss of visual amenity and views from their property if the shed/verandah building is constructed as proposed. While the building would/will have a substantial roofed area which has the potential to be perceived as 'visually massive' (particularly) from the first floor balcony of adjoining Lot 6121, through limited modifications to the design and siting of the building, the design could be amended to comply with the minimum

setback requirements without materially changing the nature of any such impact. In addition, it is noted that the proposed building design complies with minimum setback requirements to the boundary with the submitter's property and that the applicant (owner) has identified safety benefits of the reduced side setback allowing a larger proportion of their yard to be protected from golf ball 'hazards'.

While there may be some potential that reflection of morning sunlight off the proposed verandah roof may cause glare when viewed from the first floor balcony of adjoining Lot 6121, modifications to the design to comply with side and rear setback standards are not expected to discernibly change the nature of any such impact that may occur.

ACTION: DAS to prepare a Notice of Determination

ITEM 3 CHANGE OF USE FROM RESTAURANT AND FUNCTION / CONFERENCE ROOM TO RESTAURANT AND HOTEL (MICRO-BREWERY)

PA2018/0254 LOT 337, 39 PALM CIRCUIT, SUBURB OF ROSS

APPLICANT ALICE SPRINGS BREWING CO PTY LTD

Development Assessment Services tabled a letter from the Environment Division of the Department of Environment and Natural Resources dated 07/08/2018.

Kyle Pearson attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority pursuant to section 53(a) of the *Planning Act*, consent to the application to develop Lot 337 (39) Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a restaurant and hotel (bar and micro-brewery), subject to the following conditions:
0091/18

GENERAL CONDITIONS

1. The restaurant and hotel (micro-brewery) uses and development carried out under this permit shall be limited to the areas identified on the drawings endorsed as forming part of this permit.
2. Car parking and landscaping with respect to the front of the site must be provided and maintained in accordance with conditions 1 and 4 of Development Permit DP01/0187. The owner of the land may submit a revised parking layout plan for endorsement by the consent authority as part of this permit, provided that the revised layout:
 - a) reasonably maximises the number of parking spaces within the sealed parking area at the front of the site;
 - b) does not reduce the amount of landscaping; and
 - c) includes a minimum of 1 parking space for persons with a disability constructed in accordance with the requirements of the Building Code of Australia.

Approval of an alternative parking layout is at the discretion of the consent authority.

3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services and the management and disposal and/or discharge of trade waste in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. The developer must provide evidence that:
 - a) the fit-out for the approved development complies with the Food Act 2004; and
 - b) the business is registered as a food business with the Department of Health.Compliance with this condition is to the satisfaction of the consent authority on advice from the Department of Health (Environmental Health Branch).
6. The kerb crossings 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.
7. 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 satisfaction of the consent authority on advice from the Alice Springs Town Council.
8. Stormwater is to be retained on the site and/or collected and discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council, to the satisfaction of the consent authority.
9. 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 the consent authority.
10. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
11. The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:
 - a) transport of materials, goods or commodities to or from the land;
 - b) emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil; or
 - c) presence of vermin.Compliance with this condition is to the satisfaction of the consent authority on advice from relevant agencies.
12. Any handling of beer bottles and bottling (and/or canning) of beer on the site, not including service of beer to patrons at the premises, must be restricted to the hours of:
 - a) 7 a.m. to 6 p.m. Monday to Friday; and
 - b) 8 a.m. to 1 p.m. Saturday;unless with the written agreement of the consent authority, and subject to the terms of any such agreement. This condition is to the satisfaction of the consent authority.

13. Any brewing and associated operations (including bottling/canning) on the site must be restricted to the designated and approved 'storage, brewing and kitchen areas' shown in plans endorsed as forming part of this permit.

NOTES:

1. This development permit does not grant "building approval" for the proposed change of use or works. 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. This development permit does not grant approval for a licence to sell alcohol. You are advised to contact the NT Liquor Commission (<https://justice.nt.gov.au/regulatory-services/licensing-boards,-committees-and-advisory-councils/liquor-commission/liquor-licence-applications>) concerning requirements relating to obtaining an appropriate licence.
3. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council* before commencement of any work within the road reserve.
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. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by section 12 of the *Waste Management and Pollution Control Act*.
7. The permit holder is advised that the proposal may have assessment implications under the *Waste Management and Pollution Control Act*. More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
8. 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.

REASONS

1. The proposed development and use is consistent with the primary purpose of zone TC (Tourist Commercial), being “to provide for uses or development servicing tourism, including commercial and residential activities”. The zone purpose statement further identifies that “development should be of a scale and character compatible with uses or development nearby” and the proposed change of use for part of an existing restaurant and function room to a restaurant and hotel (bar) and ancillary micro-brewery is not expected to result in any greater amenity impacts than the previously approved and established use, provided that it is suitably serviced and operated. It is considered appropriate to limit the scale of the brewery component of the business, as a larger scale operation has the potential to have undue amenity impacts on other tourist commercial uses within the immediate locality.
2. 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 requirements of the *Planning Act* and Planning Regulations and no public or local authority submissions were received under section 49.
3. Pursuant to section 51(h) of the *Planning Act*, the consent authority must take into consideration any merits of the proposal as demonstrated in the application. The proposed change of use may be expected to contribute to the revitalisation of the surrounding tourism precinct, and diversity of restaurant and bar venues available to local residents and visitors.
4. Pursuant to section 51(m) of the *Planning Act*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities to be provided to the developer for that purpose.
 - a) The Power and Water Corporation’s requirements are expected to be satisfied by the conditions of approval relating to services and trade waste.
 - b) The Department of Health’s interests in the proposed development are expected to be duly recognised through permit conditions and notes.
 - c) The Alice Springs Town Council’s interests as a drainage and road authority are expected to be duly recognised by the conditions of approval.
5. Pursuant to section 51(n) of the *Planning Act*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated. The proposed restaurant and hotel (micro-brewery) use is expected to be very similar to and compatible with the established restaurant and function centre uses on the site. It is not envisaged that the development as proposed will have any material adverse impact on the amenity of the locality, provided that the ‘brewery’ component of the development is limited to a scale that may be reasonably be considered to be ancillary to the restaurant and (hotel) bar uses of the site.
6. Pursuant to section 51(p) of the *Planning Act*, the consent authority must take into consideration the public interest, including access for persons with disabilities.

- a) The conditions of approval are intended to assist in ensuring that the development provides suitable access for persons with a disability.
- b) The consent authority noted that:
 - the application was referred to the Department of the Attorney-General and Justice - Licencing, Regulation and Alcohol Strategy; and
 - that no comment had been received from that agency at the time of the hearing; and
 has included an advisory note on the development permit to assist in ensuring that the developer obtains all relevant approvals prior to commencing the approved uses.

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

ITEM 4 ESTABLISH MEDICAL CONSULTING ROOM IN AN EXISTING SINGLE DWELLING IN TWO STAGES

PA2018/0227 LOT 3553, 30 ADAMSON AVENUE, SUBURB OF GILLEN

APPLICANT HAO-YU CHENG

Hao-Yu Cheng attended the meeting and spoke further on the application.

RESOLVED 0092/18 That the Development Consent Authority vary the requirements of clause 6.5.1 (Parking Requirements) and clause 6.5.3 (Parking Layout) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alter the proposed development and consent to the proposed development as altered to develop Lot 3553 (30) Adamson Avenue, Suburb of Gillen, Town of Alice Springs for the purpose of a medical consulting room (Chinese acupuncture for a single medical practitioner) in an existing single dwelling in 2 stages.

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 two copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Stage 1 and Stage 2 Floorplans in one drawing with metric dimensions,
 - (b) a site layout plan showing the location and dimension of two resident car parking spaces and two visitor car parking spaces, the driveway length and width in metric measurement
2. That the applicant written advice specifying the days of operation and hours of business, to the satisfaction of the Development Consent Authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit. The use and/or development as shown on the endorsed plans must not be altered without the further consent of the consent authority.
4. All customers are to be seen on an appointment only basis.
5. The use approved by this permit may operate only between the hours endorsed by the consent authority.
6. Therapies are to be provided by one person only. The provider must be a resident of 30 Adamson Avenue, Gillen.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities requirements and relevant legislation at the time.

NOTES:

1. The developer will need to contact Power and Water's Trade Waste Department (TradeWasteDept.PWC@powerwater.com.au) to discuss trade waste requirements for the proposed development.
2. Power and Water advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) must be contacted via email a minimum of 1 month prior to construction works commencing.
3. The Northern Territory Environment Protection Authority has advised that the proponent must comply with their General Environment Duty provided by *the Waste Management and Pollution Control Act*.
4. The permit holder is advised that the proposal may have assessment implications under the Waste Management and Pollution Control Act, More information can be found on the Northern Territory Environment Protection Authority website at: <https://ntepa.nt.gov.au/waste-pollution>. The applicant is encouraged to contact the NT EPA on (08) 8924 4218 or ntepa@nt.gov.au.
5. The development and use hereby permitted should be designed, constructed and operate in accordance with the *Public & Environmental Health Act 2011* and comply with the Public and Environmental health Guidelines for Hairdressing, Beauty Therapy and Body Art.
6. The land owner / applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the existing building/s and associated usage comply with the *Building Act* and associated Regulations. This development permit does not grant building approval for the proposed change of use or any associated building works and you are advised to contact a registered private Building Certifier to ensure that you have attained all necessary approvals before commencing construction works or the use.

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.

A medical consulting room is a discretionary use in Zone SD (Single Dwelling Residential) of the NT Planning Scheme. It is considered that the provision of Chinese medicine and acupuncture by the resident of the dwelling is a low intensity use that can be undertaken without detrimental impact on surrounding neighbours and land uses. Having considered the matters listed in Clause 6.5.2 (Reduction in Parking Requirements) of the NT Planning Scheme, the variations granted to car parking are minor in nature and respond to the level of parking expected to be generated by the business. The variations will not impact traffic movement in the local area.

2. Pursuant to section 51(n) of the Planning Act, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated

The low intensity use of the dwelling to provide Chinese medicine and acupuncture by a sole practitioner is not considered to generate impacts on existing or future amenity. The business will be undertaken in an existing dwelling by a resident of the dwelling. The business will not generate vehicle movements or noise markedly above those of an average household and the single dwelling character of the northern side of Adamson Avenue will be retained.

3. The application was placed on public exhibition in accordance with the requirements of the *Planning Act* and Planning Regulations. No public or local authority submissions were received during the exhibition period.

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

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

SUZANNE PHILIP
Chair

14 August 2018