



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 195 – WEDNESDAY 8 APRIL 2015

**DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Denis Burke, David Koch, Brendan Heenan, Steve Brown and Alistair Feehan

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Ben Taylor and Kate Walker

COUNCIL REPRESENTATIVE : Nil.

Meeting opened at 10:35 and closed at 10:55 am

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 DEVELOPMENT – VARY CONDITION 3 OF DEVELOPMENT PERMIT DP10/0524
TO ALLOW A FURTHER 18 MONTHS FOR THE CAR PARKING AREA TO BE
SEALED
LOT 8059, 28 UNDOOLYA ROAD, SUBURB OF EAST SIDE, TOWN OF ALICE
SPRINGS
ASBUILD (NT) PTY LTD**

The applicant did not attend the meeting.

**RESOLVED
0030/15**

That, pursuant to section 57(3) of the *Planning Act*, the Development Consent Authority consent to the application to vary condition 3 of DP10/0524 (as previously amended by Variation of Conditions permit DP10/0524A) for allowing a further 18 months to complete the sealing and delineation of the car parking and driveway areas, subject to the following conditions:

CONDITIONS:

1. The works carried out under this permit shall be in accordance with the drawings that were endorsed as forming part of Variation of Conditions permit DP10/0524A.
2. 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.
3. Within 18 months of the date of this Variation of Conditions permit (DP10/0524B) being issued, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) constructed;
 - b) properly formed to such levels that they can be used in accordance with the plans;
 - c) surfaced with an all-weather-seal coat;
 - d) drained;
 - e) line marked to indicate each car space and all access lanes; to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times (including the interim period prior to sealing works being carried out, during which, parking areas shall be suitably dust suppressed).
4. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their visitors.
5. 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.
6. The owner of the land must enter into agreements with the relevant authorities for

the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.

7. 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.

NOTES:

1. Notwithstanding the approved plans, the permit holder should contact the Land Administration Division of the Department of Lands, Planning and the Environment to ascertain what (if any) approval/s are necessary to allow part of a car parking area to encroach onto Crown land (Lot 8165, Town of Alice Springs).
2. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
3. This development permit does not grant "building approval" for the structures and land 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.
4. 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.
5. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
6. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council (Undoolya Road) or the Department of Lands, Planning and the Environment (Lot 8165 – Crown land) before commencement of any work within the road reserve or Crown land.
7. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase and use of the development are available from Department of Land Resource Management.
8. Any floodlighting or security lighting provided on site should be shielded in a manner to prevent the lighting being noticeable or causing nuisance to Undoolya Road traffic.
9. 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.

10. 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.

**RESOLVED
0031/15**

That, subject to an application being lodged pursuant to section 65(1) of the *Planning Act* together with service authority clearance letters, the Authority:

- a) issue a Certificate of Compliance (in part) in relation to Development Permit DP10/0524 (as varied);
- b) write to the land owner advising that the Authority has no objection to a registered building certifier issuing an Occupancy Permit in relation to the building works and use approved by DP10/0524 (as varied).

ACTION: Development Assessment Services to prepare a Variation of Conditions permit and letter to applicant

ITEM 2

**DEVELOPMENT – CHANGE OF USE TO A LEISURE AND RECREATION FACILITY (24 HOUR GYM AND ANCILLARY SHOP) AND ADDITIONS TO EXISTING BUILDING
LOT 7455, 16 KENNETT COURT, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS
GRAHAM, LORRAINE AND CORY CRONIN**

Mr Graham Cronin attended the meeting in support of the application.

**RESOLVED
0032/15**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Parking Requirements), Clause 6.5.3 (Parking Layout), and Clause 9.1.1 (Industrial Setbacks) of the NT 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 7455, 16 Kennett Court, Suburb of Ciccone, Town of Alice Springs for the purpose of Change of use to a leisure and recreation facility (24-hour gymnasium and ancillary shop) and additions to existing building, subject to the following conditions:

CONDITION 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 drawings that are included as part of "Attachment B" of the April 2015 Development Consent Authority agenda report but modified to show:
 - (a) A minimum of 3 formal car parking spaces in the parking area shown on the sketch at Attachment F of the April 2015 Development Consent Authority

agenda report. The spaces are to be compliant with the (bay) length, width and manoeuvring dimensions contained in Clause 6.5.3 (Parking Layout) of the NT Planning Scheme;

- (b) Bicycle parking facilities (details and location of the two bicycle racks located adjacent to the entry to the gym);
- (c) Details of the two shade structures at the rear of the site (refer to approximate locations shown on the sketch at Attachment F of the April 2015 Development Consent Authority agenda report)
- (d) The floor layout and usage of the building in the south west corner of the site;
- (e) details of surface finishes of pathways and driveways (extent of sealing, driveway widths to be identified);
- (f) Locations and species of the existing and proposed landscaping along the street frontages of the site.

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 or occupation of the development starts, the areas set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat within 2 years;
 - (d) drained;
 - (e) line marked or otherwise suitable 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.
4. The car parking shown on the endorsed plans must be available at all times for the exclusive use of the occupants of the development and their *(visitors/clients)*.
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 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.
7. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
8. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.

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. Instructor-led or structured classes are not to take place on the site without further approval of the Development Consent Authority.

NOTES:

1. This development permit does not grant "building approval" for the proposed structure. 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. 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.
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. 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.
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. This permit will expire if one of the following circumstances applies:
 - (a) the development and use is/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 FOR THE DECISION

1. Amended plans showing car parking spaces on the site that are more consistent with the dimensions contained in Clause 6.5.3 of the NT Planning Scheme are required as it is considered in the public interest for a leisure and recreation (24hr gym) development to provide a designated and appropriately designed parking area. Furthermore, the application did not demonstrate any special circumstances which would justify a complete departure from the parking layout standards set by the NT Planning Scheme.
2. 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 use and development is consistent with the scale and form of development expected within Zone LI (Light Industry) of the NT Planning Scheme.
3. A reduction of car parking requirements specified by Clause 6.5.1 (Parking Requirements) of the NT Planning Scheme is supported under Clause 6.5.2 (Reduction in Parking Requirements) in recognition of:
 - The nature of the leisure and recreation use of the site (24hr gym), citing the applicants' statement that the most members observed present at any one time was eight;
 - The application states that the gym does not incorporate classes or other activities that typically see significant peaks in client attendance;
 - The position of existing buildings, driveways, swimming pool and mature landscaping constrain the ability to establish designated parking areas on the land that comply with the minimum parking layout dimensions of the NT Planning Scheme;
 - There is on-street parking available within Kennett Court immediately in front of the site for up to five cars;
 - The normal usage times of the gym are outside regular business hours of the surrounding commercial and industrial premises, which minimises potential conflicts with other land uses in the locality that currently take advantage of the commonly accessible parking spaces within the adjacent road reserve;
 - The use incorporates bicycle parking for up to 10 bicycles; and
 - The gym is generally staffed only between the hours of 12:30pm and 6:00pm with one staff member residing on the site.
4. Pursuant to section 51(p)(i) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest including how community safety through crime prevention principles in design are provided for in the application. The 24hr gym and caretakers residence use of the site will create activity in the locality and increase opportunities for passive surveillance of the locality outside of normal business hours. The windows of the reception/shop area overlook the driveway within the site and Kennett Court road reserve and no solid front fencing to the street boundary will be used. This supports the Core Design Principles contained within the *Community Safety Design Guide* and allows interaction and surveillance of the street.

5. Variations to Clause 9.1.1 (Industrial Setbacks) are supported as the proposal is consistent with the industrial area in which the site is located and the reduced front and rear setbacks are unlikely to have any adverse impact on the amenity of the adjacent land or streetscape and existing landscaping on the site will partly screen the buildings from the public realm.
6. 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.
7. Pursuant to section 51(n) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated. The proposed development is appropriate for the zoning, site and locality and subject to the receipt of amended drawings, compliance with conditions of approval, potential adverse impact on the surrounding area will be mitigated. The variations granted to the provisions of Part 4 of the NT Planning Scheme are not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by adjacent and nearby allotments.
8. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public or local authority submissions were received.

ACTION:

Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

9 / 4 / 2015