



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 215 – WEDNESDAY 18 JANUARY 2017

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

MEMBERS PRESENT:

Stephen Ward (Deputy Chairman), Alistair Feehan,
Jade Kudrenko, Jamie de Brenni

APOLOGIES:

David Koch

OFFICERS PRESENT:

Peter Somerville, Fraser Cormack, Jennie Ryan

COUNCIL REPRESENTATIVE :

Dilip Nellikat

Meeting opened at 10:35 am and closed at 10:50 am

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.

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 SUBDIVISION TO CREATE TWO LOTS
PA2016/0648 NT PORTION 7235, 155 COLONEL ROSE DRIVE, SUBURB OF KILGARIFF,
TOWN OF ALICE SPRINGS
APPLICANT DEPARTMENT OF INFRASTRUCTURE, PLANNING AND LOGISTICS

Mr Peter Somerville attended the meeting in support of the application.

RESOLVED
0004/17

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defers consideration of the application to develop NT Portion 7235 (155) Colonel Rose Drive, Suburb of Kilgariff, Town of Alice Springs for the purpose of a subdivision to create two lots, to require the applicant to provide the following additional documentation and/or information that it considers necessary in order to enable the proper consideration of the application:

1. Documentation and/or information further clarifying and/or demonstrating the suitability of the design and location of the lot for development and use as a public park in terms of:
 - a) future user (vehicle/pedestrian) safety, given:
 - the two street frontages and a third street frontage is foreshadowed;
 - its proximity to a roundabout on the major entry into Kilgariff;
 - b) optimising opportunities for integration with other facilities and infrastructure (particularly stormwater management) in the immediate area; and
 - c) how the location of the park relates to the overall development and land release strategy for Kilgariff.

The Authority also notes that:

- there is currently no publicly available or endorsed Masterplan for the Suburb of Kilgariff; and
- the Kilgariff Area Plan, which promotes the orderly and co-ordinated development of the suburb does not provide sufficient clarity to support a park in this location.

The Authority anticipates that the development and implementation of a comprehensive Masterplan would ensure the orderly and co-ordinated realisation of the objectives and goals of the Kilgariff Area Plan and seeks clarification from the Department of Infrastructure, Planning and Logistics as to progress and/or the current status of the master planning process.

ACTION: Deferred – DAS to prepare a letter to the applicant

ITEM 2 RE-ESTABLISH RESTAURANT USE IN AN EXISTING BUILDING
PA2016/0703 UNIT 53, LOT 8131, 26 PALM PLACE, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
APPLICANT ANDREA DU PREEZ

Development Assessment Services advised of the submitter's apologies at inability to attend.

Andrea du Preez attended the meeting and spoke in support of the application. Mrs du Preez tabled a plan showing the existing access ramp to the restaurant building and an associated Permit to Occupy.

RESOLVED That, the Development Consent Authority pursuant to section 53(a) of the
0005/17 *Planning Act*, consent to the application to develop Unit 53, Lot 8131 (26) Palm Place, Suburb of Ross, Town of Alice Springs for the purpose of a restaurant, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to commencement of the use, an amended staging plan, site plan, floor plan and landscape plan are required to be 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/show:
 - a) a staging plan clearly identifying all area/s to be used as part of a stage;
 - b) entry to the restaurant parking area via the site access located to the southern side of the restaurant parking area and egress from the restaurant parking area from the access to the northern side of the parking area;
 - c) a minimum of 28 parking spaces within the restaurant parking area, including a minimum of 1 parking space designed to be accessible for persons with a disability and located adjacent to the access ramp to the restaurant;
 - d) indicative type and location of on-site lighting within the parking area with a view to ensuring safe and convenient access:
 - (i) between the restaurant and the parking area; and
 - (ii) to and from the site;
 - e) a bin/waste storage area suitably screened from nearby dwellings and streets;
 - f) a landscape plan for Unit 53, Lot 8131 Alice Springs with details of:
 - (i) fencing and screening walls (location, height and materials);
 - (ii) surface finishes of pathways and driveways, access ramp; and
 - (iii) a planting schedule of trees, shrubs and ground covers (including existing landscaping to be retained), including (for new planting) botanical names, common names, pot sizes, sizes at maturity, and quantities of each plant;

Given the considerable length of the restaurant parking area and size of the

area set aside to be planted under clause 6.5.3.3(g), the consent authority may endorse plans that provide relatively low density boundary planting provided that it is satisfied that planting reflects due consideration of the objective of clause 6.5.3.3(g) (screening of parking areas) of the NT Planning Scheme.

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. The development must proceed in the order of stages as shown on the endorsed staging plan unless otherwise agreed in writing by the consent authority.
4. Suitability of access for persons with a disability must be verified by a registered private building certifier prior to commencing use of a stage. If changes to the design of building access are required in order to achieve compliance with relevant accessibility requirements under the National Construction Code and the *Building Act*, plans may be submitted for endorsement as part of the permit. Plans submitted under this condition should be accompanied by written confirmation from a registered private building certifier verifying acceptability of the design in terms of building standards and requirements.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of drainage, water supply, sewerage facilities and electricity and the management and disposal and/or discharge of trade waste in accordance with the authorities' requirements and relevant legislation at the time.
6. 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 and at no cost to the Council, to the satisfaction of the consent authority.
7. The kerb crossovers 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.
8. 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.
9. Before the use commences, landscaping works shown on the endorsed landscape plan must be carried out and completed and in-ground irrigation system/s must be installed to all landscaped areas, to the satisfaction of the consent authority.

10. 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.
11. "No entry/no exit" signs and arrows directing the internal traffic movement on the site shall be provided prior to the commencement of the use to the requirements and satisfaction of the consent authority.
12. External lighting must be provided to the parking area generally in accordance with a lighting plan endorsed in response to conditions precedent 1(d) of this permit. Lighting should be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority. This condition is to the satisfaction of the consent authority. Suitability of lighting adjacent to the site access and egress will be determined with regard to advice from the Alice Springs Town Council.
13. Provision must be made on the land for the storage and collection of garbage and other solid waste. This area must be screened from public view and dwellings on Lot 8131 to the satisfaction of the consent authority.
14. Before the use commences, the area set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - a) line marked to indicate a minimum of 28 parking spaces within the restaurant parking area, including a minimum of 1 parking space designed to be accessible for persons with a disability and located adjacent to the access ramp to the restaurant;
 - b) clearly marked to show the direction of traffic along access lanes and driveways.

Car parking spaces, access lanes and driveways must be kept available for these purposes at all times and must remain sealed and well drained, to the satisfaction of the consent authority.

NOTES

1. A Permit to Work Within a Road Reserve is required from the Alice Springs Town Council before commencement of any work within a road reserve.
2. This development permit does not grant building approval. 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 approved use.
3. 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.

4. You are advised 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.
5. All signage is subject to Alice Springs Town Council approval, at no cost to Council.
6. 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. 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 proposal is generally compliant with the objectives relevant to subdivision of land zoned TC contained in the NT Planning Scheme. The conditions of approval are expected to assist in ensuring that the restaurant use is re-established in an orderly manner that responds satisfactorily to relevant objectives and requirements of the Planning Scheme.

Given:

- a) the considerable length of the restaurant parking area and size of the area set aside to be planted under clause 6.5.3.3(g); and
 - b) that the landscape strips are presently vegetated with buffel grass; and
 - c) any shrub and/or tree planting to the street boundaries may be expected to achieve improved compliance with the intent of clause 6.5.3.3(g) and assist in integrating the parking area into the streetscape, the consent authority supports relatively low density boundary planting provided that it reflects due consideration of the objective of clause 6.5.3.3(g) (screening of parking areas) of the NT Planning Scheme.
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 submissions were received under section 49. A late submission was received from an owner of a dwelling on Lot 8131, expressing some concerns in relation to aspects of the proposed development and use. The submission has been duly considered by the consent authority.

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 re-establishment of a restaurant use for part of an existing purpose-built restaurant building may be expected to:
 - a) improve the presentation of the northern part of Lot 8131 through attention to landscaping and buildings which have been unused for an extended period;
 - b) provide opportunities for improved passive surveillance from the restaurant building; and
 - c) contribute to revitalisation of the surrounding tourism precinct, by providing additional restaurant/bistro facilities.
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.

The Power and Water Corporation's requirements are expected to be satisfied by the conditions of approval relating to services and trade waste.

The Department of Health's interests in the proposed development are expected to be duly recognised through permit notes.

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 application seeks consent to re-establish the use of part of an existing building as a restaurant. The proposed use is not expected to materially affect the amenity of the locality, or dwellings on Lot 8131, however, requiring vehicles to enter the site from the property access to the southern side of the parking area and exit from the northern side may be expected to better ensure that headlights of vehicles exiting the restaurant parking area do not affect dwellings to the southern side.
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. The conditions of approval are intended to assist in ensuring that the development provides suitable access for persons with a

disability.

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

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

A large, stylized handwritten signature in black ink, appearing to read 'Stephen Ward', is written over the printed name and title.

STEPHEN WARD
Deputy Chairman

2511 / 2017