



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 189 – WEDNESDAY 15 OCTOBER 2014

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

MEMBERS PRESENT: Grant Tambling, David Koch, Steve Brown and Chansey Paech

APOLOGIES: Brendan Heenan

OFFICERS PRESENT: Peter Somerville, Ben Taylor, Fraser Cormack, Jenna Lovett and Kirra Morgan

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 9:30 am and closed at 9.45 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 – CHANGE OF USE (PART OF SITE) TO RESTAURANT
LOT 1563, 16 WILKINSON STREET, SUBURB OF CICCONE, TOWN OF ALICE
SPRINGS
SPINIFIX**

Lyn and Tavis Wilkinson attended the meeting in support of the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 6.5.3
0082/14 (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 1563, 16
Wilkinson Street, Suburb of Ciccone, Town of Alice Springs for the purpose of change
of use (part of site) to restaurant, subject to the following conditions:

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 drawings that are included as part of "Attachment B" of the October 2014 Development Consent Authority agenda report but modified to show:
 - (a) The 4 car parking spaces that were proposed to be constructed to the Milner Road frontage to the site deleted;
 - (b) A minimum of 10 car parking spaces in the parking area on the subject site which is accessed off Wilkinson Street. 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;
 - (c) details of surface finishes of pathways and driveways (extent of sealing, driveway widths to be identified);
 - (d) Identification of fencing and gates on the site plan (positions, building materials, height/s above ground level);
 - (e) Locations and species of the existing 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 of the date of the Development Permit);
 - (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 loading and unloading of goods from vehicles must only be carried out on the land (within the designated loading areas and must not disrupt the circulation and parking of vehicles on the land).
 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 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.
 8. 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.
 9. 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.
 10. 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.
 11. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) undertake reinstatement works;
 all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.

NOTES:

1. This development permit does not grant "building approval" for the change of use and associated building works. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act* and associated Regulations.

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.
1. 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.
2. 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 demonstrating partial compliance with the car parking requirements of Clause 6.5.1 and Clause 6.5.3 of the NT Planning Scheme are required as it is considered in the public interest for the restaurant use to provide an adequate amount of on site car parking in a functional layout. Furthermore, the application did not demonstrate any special circumstances which would justify a complete departure from the standards set by the NT Planning Scheme in respect to car parking requirements, as required in accordance with clause 2.5 (Exercise of Discretion by the Consent Authority).
2. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the consent authority is required to take into account the planning scheme that applies to the land to which the application relates. The development is consistent with the form of development expected within Zone LI (Light Industry) of the NT Planning Scheme. Subject to the receipt of amended drawings, the use/development of part of the site for restaurant purposes complies with the minimum number of on site car parking bays that are specified in clause 6.5.1 (Parking Requirements) of the NT Planning Scheme.
3. Subject to the receipt of satisfactorily amended drawings, a variation to Clause 6.5.3 (Parking Layout) and Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is granted for a reduced landscaping buffer between the property boundary and the buildings and car parking areas as the boundary fencing and other landscaping on the site will partly screen the buildings and car parking areas from the public realm.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development

application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. One public submissions was received about the application. The matters raised in the submission have been noted by the consent authority.

5. 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.
6. The conditions of approval are intended to assist in ensuring the orderly servicing and development of the site.

ACTION: Notice of Consent and Development Permit

**ITEM 2 SUBDIVISION TO CREATE TWO LOTS
LOT 340, 15 PALM CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
CENTRAL BUILDING SURVEYORS PTY LTD**

The applicant did not attend the meeting.

**RESOLVED
0083/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 340, 15 Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a subdivision to create two lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Written verification from the Heritage Branch of the Department of Lands, Planning and the Environment that the subject site is not a declared heritage place within the meaning of the *Heritage Act* and that the heritage significance of the site (if any) will not constrain the proposed subdivision and development of the land in terms of the land uses available within Zone TC (Tourist Commercial) of the NT Planning Scheme
2. Equal division of proposed lot areas or a statement describing the basis upon which lot sizes were determined;
3. An assessment of the capability of proposed Lot 2 to accommodate land uses that are discretionary / permitted within Zone TC, noting the 1% AEP flood liability of part of the site and existing vegetation on the land (which may have cultural or heritage significance). The assessment is to include a drawing showing the unconstrained land within proposed lot 2 that is suitable for future development as well as vehicle access to the parcel.
4. A report from a building certifier within the meaning of the *Building Act* as to whether the existing buildings on Lot 340 will cease to comply with the *Building Act*, if the proposed "subdivision to create two lots" were to proceed.
5. A revised plan of the proposed subdivision, drawn to 1:1000 scale showing the following information (on the one plan):

- (a) The north point;
- (b) Dimensions and bearings of proposed lot boundaries;
- (c) Approximate area of each of the proposed parcels;
- (d) Flood lines (1% AEP flood event);
- (e) Areas or sites of conservation, cultural or heritage significance;
- (f) Proposed services (power, water, sewer), easements and vehicle access points;
- (g) Areas of unconstrained land

REASONS FOR THE DECISION

1. Pursuant to section 51(j) of the *Planning Act*, the consent authority is required to consider the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development. The application has not satisfactorily demonstrated how the physical characteristics of the land are suitable for the proposed subdivision (lot sizes and layout) and how these are appropriate (in terms of lot sizes, boundary dimensions and areas of unconstrained land) for the land uses available within the TC (Tourist Commercial) zoning.
2. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration 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 Power and Water Corporation has advised that areas of the site need to be set aside for connections to and infrastructure for power, water and sewer services.
3. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest. Part of the site is identified as being liable to inundation in a 1% AEP Defined Flood Event. The application has not demonstrated how future owners / occupants of lots created through the subdivision would be made aware of the flood liability and associated potential hazards and inconveniences.
4. Pursuant to section 51(q) of the *Planning Act*, in considering a development application for a proposed subdivision of land on which a building is, or will be, situated, the Development Consent Authority is required to take into account whether the building/s complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building). There are existing buildings on the northern portion of the site. The application (as publicly exhibited) has not addressed all relevant matters listed under section 8C(2) of the *Planning Regulations* relevant to the "subdivision of one lot to create two lots".
5. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act*. The subject site contains mature vegetation (date palms) which may have cultural or heritage value. Verification from the Heritage Branch is sought to ascertain whether this may constrain the development potential of the proposed

lots.

6. The proposed subdivision is not considered to respond satisfactorily to the NT Planning Scheme or the physical constraints upon the land. Further information is required to allow the Development Consent Authority to satisfy itself that the site is appropriate for the proposed subdivision and potential land uses that are permitted/discretionary within Zone TC without any significant effects on adjoining land or unduly burdening future owner/s of the newly created lots.

ACTION: Development Assessment Services to prepare a letter of deferral

**ITEM 3 SUBDIVISION TO CREATE TWO LOTS
LOT 7404, 5 PALM CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
CENTRAL BUILDING SURVEYORS PTY LTD**

The applicant did not attend the meeting.

**RESOLVED
0084/14**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 7404, 5 Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a subdivision to create two lots to require the applicant to provide the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. An assessment of the capability and suitability of proposed Lot 3 and Lot 4 to accommodate land uses that are discretionary / permitted within Zone TC, noting the 1% AEP flood liability of part of the site and existing vegetation on the land (which may have cultural or heritage significance). The assessment is to include:
 - (a) a drawing showing the unconstrained land within proposed Lot 3 and Lot 4 that is suitable for future development as well as vehicle access to the parcels.
 - (b) a statement describing the basis upon which lot sizes and dimensions were determined and how these are appropriate (in terms of lot sizes, boundary dimensions and areas of unconstrained land) for the land uses available within the TC (Tourist Commercial) zoning;
 - (c) how potential risk to people, damage to property and costs to the general community caused by flooding would be addressed within the subdivision design
2. Written description of how vehicular access to each allotment will be achieved, including verification:
 - (a) from the owner/s of Lot 339, Town of Alice Springs that access to proposed Lot 4 will be permitted (via Lot 339);
 - (b) on what legal arrangements (i.e.: right of way easement/s etc) will be in place to ensure that long term access to proposed Lot 4 (via Lot 339) can be achieved and maintained.
3. Written verification from the Heritage Branch of the Department of Lands, Planning and the Environment that the subject site is not a declared heritage place within the meaning of the *Heritage Act* and that the heritage significance of

the site (if any) will not constrain the proposed subdivision and development of the land in terms of the land uses available within Zone TC (Tourist Commercial) of the NT Planning Scheme

4. A revised plan of the proposed subdivision, drawn to 1:1000 scale showing the following information (on the one plan):
 - (a) The north point;
 - (b) Dimensions and bearings of proposed lot boundaries;
 - (c) Approximate area of each of the proposed parcels;
 - (d) Flood lines (1% AEP flood event);
 - (e) Proposed finished ground levels (in Australian Height Datum) of each lot
 - (f) Areas or sites of conservation, cultural or heritage significance;
 - (g) Proposed services (power, water, sewer), easements and vehicle access points to each lot;
 - (h) Areas of unconstrained land

REASONS FOR THE DECISION

1. Pursuant to section 51(j) of the *Planning Act*, the consent authority is required to consider the capability of the land to which the proposed development relates to support the proposed development and the effect of the development on the land and on other land, the physical characteristics of which may be affected by the development.
 - a) The majority of proposed Lot 4 and parts of proposed Lot 3 are liable to be inundated in a 1% AEP Flood Event. The application and proposed subdivision design has not properly considered flood levels that affect the land;
 - b) The application (as publicly exhibited) has not satisfactorily demonstrated how the physical characteristics of the land are suitable for the proposed subdivision (lot sizes, layout, vehicle access) and how these are appropriate (in terms of lot sizes, boundary dimensions and areas of unconstrained land) for the land uses available within the TC (Tourist Commercial) zoning.
 - c) The proposed subdivision is not considered to respond satisfactorily to the NT Planning Scheme or the physical constraints upon the land. The application has not demonstrated that the site is appropriate for the proposed subdivision and potential land uses that are permitted/discretionary within Zone TC without any significant effects on adjoining land or unduly burdening future owner/s of the newly created lots.
2. Pursuant to section 51(m) of the *Planning Act*, the Development Consent Authority must take into consideration 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.
 - a) The application has not demonstrated how vehicular access to each allotment will be achieved. The Department of Transport and the Alice Springs Town Council have commented on this issue in their role as service authorities.
 - b) The application does not detail stormwater management within and adjacent to the subject site. Alice Springs Town Council commented on this issue in its role as a service authority.
3. Pursuant to section 51(p) of the *Planning Act*, in considering a development application, the Development Consent Authority is required to take into account the public interest. Substantial parts of the site are identified as being liable to

inundation in a 1% AEP Defined Flood Event.

- a) The application (to subdivide land constrained due to its flood liability) poses potential risk to people, damage to property and costs to the general community caused by flooding. The application has not demonstrated how these risks may be mitigated.
- b) The application has not demonstrated how future owners / occupants of lots created through the subdivision would be made aware of the flood liability and associated potential hazards and inconveniences.

ACTION: Development Assessment Services to prepare a letter of deferral

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



GRANT TAMBLING
Chairman

22/10/2014

