



**DEVELOPMENT CONSENT AUTHORITY**

**ALICE SPRINGS DIVISION**

**MINUTES**

**MEETING No. 210 – WEDNESDAY 13 JULY 2016**

**DOUBLETREE BY HILTON  
BARRETT DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Denis Burke (Chairman), David Koch, Alistair Feehan,  
Jade Kudrenko, Jamie de Brenni

**APOLOGIES:** Nil

**OFFICERS PRESENT:** Ben Taylor, Julie Driver, Jennie Ryan

**COUNCIL REPRESENTATIVE :** Dilip Nellikat

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

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 – LOT 2704, 40 SMITH STREET, SUBURB OF CICCONE,  
TOWN OF ALICE SPRINGS  
SHORT TERM ACCOMMODATION AND AMENITIES FOR UP TO 8  
EMPLOYEES IN 1 BUILDING ANCILLARY TO LIGHT INDUSTRY /  
WAREHOUSE USE  
PROBUILD (NT) PTY LTD**

Joe Penaluna and Mick Betteridge attended the meeting in support of the application.

**RESOLVED  
0047/16**

That, the Development Consent Authority vary the requirements of Clause 9.1.1 (Industrial Setbacks) 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 2704, 40 Smith Street, Suburb of Ciccone, Town of Alice Springs for the purpose of short term accommodation and amenities for up to 8 employees in 1 building ancillary to light industry / warehouse, subject to the following conditions:

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The temporary workers accommodation approved by this permit is limited to the accommodation of a maximum of 8 workers in a maximum of 8 bedrooms, plus a single ablution (kitchen, laundry, lounge room) demountable attached by a common deck and verandah.
3. The temporary workers accommodation approved by this permit is only to be occupied by people carrying out duties (including training) on and for the subject site for the purposes of light industry/warehouse and ancillary office use.
4. The use of the land for the purpose of short term accommodation (approved by this permit) must cease on 01/07/2018.
5. 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.
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. Stormwater is to be collected and contained within the site or 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.
8. 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.

9. 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.
10. 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. This development permit does not grant "building approval" for the works/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 for the building works and use.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerconnections@powerwater.com.au](mailto:powerconnections@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. Any 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](mailto:info@ntbuild.com.au)) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
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. 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.

#### REASONS

1. Pursuant to section 51(a) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates. The physical appearance of the development is consistent with the form of development established in the locality which is within Zone GI (General

Industry) of the NT Planning Scheme. Subject to the compliance with conditions of approval, the use and development as presented in the application is considered to be generally consistent with the following clauses and objectives of the NT Planning Scheme:

- Clause 4.3 (Planning Principles – Alice Springs); and
  - Zone GI (General Industry), the primary purpose of Zone GI is to provide for general industry. The temporary workers accommodation (as approved) is considered ancillary to the primary use of the land for light industry and warehouse, sub-clause 4(b) of Clause 2.2 and Clause 2.9 (Ancillary Use and Development) of the NT Planning Scheme provides that the use may be permitted with consent.
  - The accommodation is considered ancillary to the primary use of the site in terms of:
    - approved floor area (compared to net floor areas and outdoor storage areas of the primary use of the site);
    - providing short term respite (ie: weekends) for employees of the primary use ordinarily working in remote localities
    - providing accommodation for employees undergoing onsite training specific to the primary use;
    - being the only residential use on the site;
    - verbal evidence from the applicant in given at the meeting associated with the application;
    - a condition of approval provides a two year period of approval to the use.
  - The scale (footprint, floor area) and architectural style of the buildings is compatible with the streetscape and surrounding development within Smith Street.
2. A variation to Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme are granted to allow the reduced front building setback shown on the endorsed drawings as:
- the positioning of the building on the subject site will maximise the areas available for car parking and outdoor storage and will not obstruct driveways;
  - the building setback distances are consistent with other developments in the Street locality;
  - mature landscaping and solid fencing is provided along the Smith Street boundary (within the site and adjacent verge) and assists in softening the building mass when viewed from the street and improve the visual amenity of the area; and
  - the colours and materials of the accommodation building are consistent with other structures on the site and boundary fencing.
3. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development 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 anonymous public submission was received in relation to the application. The matters raised in the submission have been acknowledged and discussed in the report considered by the Development Consent Authority at their meeting held on 13/07/2016. The Authority considered the verbal evidence from the applicant in response to the submission and the Alice Springs Town Council

at the meeting associated with the application.

4. Pursuant to section 51(h) of the *Planning Act*, in considering a development application the Development Consent Authority must take into account the merits of the proposed development as demonstrated in the application. The Authority considered the application (as publicly exhibited) and verbal evidence from the applicant at the meeting associated with the application outlining the merits of the ancillary temporary accommodation use.
5. 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 in terms of electricity, sewerage and water services that apply to the physical development and use of the land.
6. 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. Conditions applied to the development permit will ensure that acceptable standards are met and maintained in the operation of the accommodation use for temporary workers accommodation. The variation granted to the provisions of Clause 9.1.1 (Industrial Setbacks) of the NT Planning Scheme is not expected to contribute greatly to any major disturbance to the level of amenity currently experienced by the streetscape or adjacent and nearby allotments. The design incorporates retention of mature landscaping and solid fencing that will enhance the visual appearance of the development
7. Consent is granted for a two year period only, noting the applicant's justification for seeking short term accommodation and that the site remains zoned for industry purposes and that it is desirable that the primary use of the land be developed/used for such purposes. Should the land owner wish to extend the period of approval, an application (section 57 of the *Planning Act*) will need to be lodged by the owner and considered by the Authority.

**ACTION:**

DAS to prepare a Notice of Consent and Development Permit

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



**DENIS BURKE**  
Chairman

15 / 7 / 2016

