



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

### **MINUTES**

**MEETING NO. 286 – WEDNESDAY 14 AUGUST 2024**

**RED MULGA EVENT SPACE  
ALICE SPRINGS DESERT PARK  
539 LARAPINTA DRIVE  
ALICE SPRINGS**

**MEMBERS PRESENT:** Suzanne Philip (Chair), Deepika Mathur, Chris Neck and Mark Coffey

**APOLOGIES:** Matt Paterson

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Chay Garde, Benjamin Taylor, Kieran Marsh, Perlie Clarke, Hanna Steevens, Ann-Marie Reynolds

**COUNCIL REPRESENTATIVE:** Matthew Raymond

**Meeting opened at 10.15 am and closed at 2.25pm**

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THE MINUTES RECORD 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 TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

**ITEM 1**                    **MOTEL ROOM ADDITIONS TO AN EXISTING HOTEL/MOTEL**  
**PA2023/0330**            **(MERCURE ALICE SPRINGS RESORT)**  
                                 **LOT 427 (8) KHALICK STREET AND LOT 6916 (86) STURT TERRACE,**  
                                 **EAST SIDE, TOWN OF ALICE SPRINGS**  
**APPLICANT**            Tatam Planning Co

Attended in person: Submitters Christine Burke, Mairead Hetherington, Adrian Tomlinson (Arid Lands Environment Centre and on behalf of Alexander Vaughan) and Hans Gram.

Attended via teams: Applicant Cat Tatam (Tatam Planning Co), Mick Betteridge (Project Manager, ANT Galactic), Craig Jervis (Chief Operating Officer, Lasseter's Hotel Casino), Warwick Bowyer (Development Manager, IRIS Capital (Landowner), Jayde Manning (Aboriginal Areas Protection Authority), Submitters Margaret McHugh and Clare Norman.

**RESOLVED**  
**26/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 427 (8) Khalick Street and Lot 6916, (86) Sturt Terrace, East Side, Town of Alice Springs for the purpose of motel room additions to an existing hotel/motel (Mercure Alice Springs Resort) 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 Authority Certificate from the Aboriginal Areas Protection Authority showing the extent of the Restricted Works Area.
2. Advice from Crown Land Estate regarding the tenure granted by the lease, outlining whether or not the proposal is considered a permitted use consistent with Crown Lease 457 and meets the definition of "Recreation".
3. Clarification as to how the consolidation of Lots 427 and 6916 (as requested by the Power & Water Corporation) can be achieved.
4. A Traffic Impact Assessment for the proposed development and land use on Lot 427 and 6916 and whether Alice Springs Town Council requests any conditions or changes be made to the existing Statement.
5. A site specific flood study is required to be prepared by a suitably qualified expert to the satisfaction of the consent authority. The study should clarify the extent, levels and velocity of flooding on Lot 6916 and how the development will achieve the purpose of Clause 3.6 of the NT Planning Scheme 2020.
6. Amended drawings showing:
  - i. Updates to the development in response to items 1 to 5 of the deferral

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- ii. a newly created crossover on to Sturt Terrace
  - iii. detailing the existing 'ground level' of Lot 6916 and the finished floor level height of each proposed building above the 1% AEP flood level which can be achieved without the use of fill.
  - iv. existing Australian Height Datum (AHD) levels of the site established by a suitably qualified person.
  - v. the location of the 'loading bay' within Lot 427 proposed to be used in exchange for a variation to Clause 5.2.5 of the NTPS2020.
7. Once the deferral points 1-6 above have been completed to the satisfaction of the consent authority the application and additional documentation (in response to the points above) shall be re-circulated to service authorities and previous submitters giving an additional 14 days for comment.

### REASONS FOR THE DECISION

1. Lot 6916 is held subject to the conditions of a Crown Lease in Perpetuity issued by the Minister for Lands on 18 October 1984, gazetted in the NT Government Gazette on 7 November 1984. The purpose of the Crown Lease is described as "Recreation". That term is not defined in the Crown Lease, the Planning Act 1999, or the Northern Territory Planning Scheme 2020 (NTPS 2020). The Authority notes the previous planning history of the Lot as set out in the DAS Report and the comment that previous development applications relating to Lot 6916 suggest that the land is not intended for any significant development. In the absence of a statutory definition, words should be given their ordinary meaning. Various dictionary definitions of "recreation" include "activity done for enjoyment when one is not working" and "any activity that refreshes, satisfies, and brings enjoyment to people, in which they engage on a voluntary basis during leisure time". It is not clear to the Authority that the proposed use of a hotel/motel falls within the Crown Lease purpose and no confirmation has been provided from Crown Land Estate. The matter goes to the nature of the tenure vested in the landowner and has been raised by Crown Land Estate. While the administration of the Crowns Land Act is not a matter for the Authority, it nevertheless considers that the question of tenure is a matter that properly falls for consideration as relevant to the development under Section 51(1)(t) which provides for other matters that the Authority sees fit. As a result, the authority requests that written verification from Crown Land Estate is provided confirming Crown Land Estates position on the development proposal.

2. As a concomitant to the request for written confirmation from Crown Land Estate, the Authority further requires clarification as to how the consolidation of lots 427 and 6916 (as requested by the Power & Water Corporation) can be achieved, particularly noting the difference in tenure between the two Lots.

3. Section (51)(1)(r) of the *Planning Act 1999* requires that the Authority must take into account, in considering a development application, any potential impact on natural, social, cultural or heritage values. The Authority notes that AAPA, on 16<sup>th</sup> October 2023, advised there are registered/recorded sacred sites in the vicinity of the subject land which could be damaged by development activities and recommended that an Authority Certificate in accordance with section 19B of the Northern Territory Aboriginal Sacred Sites Act 1989 (the Sacred Sites Act) be applied for prior to undertaking any development activity or other work in Lot 06916 Town of Alice Springs. Further, Crown Land Estate noted the AAPA advice in its comments on 28<sup>th</sup> June 2024 and further noted that "the entirety of this lot was an Restricted Works Area under a previous Authority Certificate, and that there are recorded sacred sites on the lot, including in areas where the current plans show the construction of new infrastructure. A representative from the Aboriginal Areas Protection Authority spoke further to the proposal and noted that 6 recorded sacred sites are present within Lot 6916. Following the end of the meeting AAPA

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confirmed that Lot 6916 is subject to a Restricted Works Area. The extent of the sacred sites and restricted works area may result in significant changes to the proposed development and the Authority needs further information in order to properly determine the application. As a result, the consent authority requires that an authority certificate be obtained and provided to the DCA to inform its consideration of the development application.

4. Lot 6916 is within a Defined Flood Area (DFA) shown on NT Government mapping as subject to a depth of between 0.15 and 2m within a 1 in a hundred year probability and accordingly is subject to the Part 3 Overlay, 3.6 LSF – Land Subject to Flooding. The purpose of Clause 3.6 is to identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community. Clause 3.6 contains a specific requirement in sub clause (6)(a)(b) that the minimum floor level of habitable rooms should be 300mm above the flood level for the site and the use of fill to achieve required floor levels should be avoided. The NTPS 2020 Schedule 2 contains a number of definitions which impact on the meaning of “habitable room” as follows –

**habitable room** means any room of a **dwelling** other than a bathroom, laundry, toilet, pantry, walk-in wardrobe, corridor, stair, lobby, photographic darkroom, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods;

**dwelling** means a building, or part of a building, designed, constructed or adapted as a **self-contained residence**

**residential building** means a building or part of a building used or developed or proposed to be developed for a dwelling-community residence, dwelling caretakers, dwelling-group, dwelling-independent, dwelling-multiple, dwelling single, **hotel/motel**, residential care facility, or rooming accommodation.

The Authority considers that the hotel/motel use proposed by the applicant has potential to meet the NT Planning Scheme definition of habitable and at the minimum is analogous to such. The Authority notes sub clause (6) of Clause 1.10 which states that when consenting to the use or development of land, the consent authority may impose a condition requiring a higher standard of development than is set out in a requirement of Parts 3, 5 or 6 if it considers it necessary to the achievement of the Strategic Framework, the purpose of the overlay or the zone, or it considers it is otherwise necessary to do so. In this instance, the Authority has considered the purpose of *Clause 3.6 LSF – Overlay Land Subject to Flooding* and, in order to determine how the proposed application demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community, requires the applicant to demonstrate how the development of each building can address the flood level without the use of fill.

5. The Authority requires that the Traffic Impact Statement be circulated to the local authority for comment. The Authority notes that Alice Springs Town Council requested during the meeting to review the document and provide additional comment.

6. The Authority notes that the application was originally exhibited as a caravan park use but the applicant subsequently requested that the application be treated as a hotel/motel use. The Authority acknowledges that the development application is more appropriately dealt with as a hotel/motel use, achieving greater compliance with the requirements of the planning scheme in contrast to the assessment and consideration of Clause 5.5.13 Caravan Park. Such change triggers further requirements including the provision of 1 loading bay as outlined in table to Clause 5.2.5. Although the amended statement of effect has identified this as a variation, amended drawings are required

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which clearly show the location of the existing loading bay within Lot 427 that is proposed to service Lot 6916.

7. A number of submitters attended the meeting and spoke to their concerns, some of which are reflected in the deferral points above. Margaret McHugh, attending via teams, spoke further to her public submission. Ms McHugh explained that she has been a long term resident of Sturt Terrace and noted the significant flooding impacts witnessed during the 1988 riverine flood event. Ms McHugh noted that floodwater is directed towards the Coolibah Swamp and adjoining residential streets. Ms McHugh also advised that the adjoining medium residential zoning was built to address the flood heights and that any development within lot 6916 will further adverse impacts during a flooding event. Mrs McHugh questioned the existing Crown Lease 457 (in perpetuity) and asserted that the lease was granted on assurances that the site was not meant to be built on due to the associated land constraints. Ms McHugh also raised a question regarding the proposed fencing design between lot 6916 and 2461. Mrs McHugh stated that she would find it offensive if colorbond fencing was proposed as a result of approved development.

Adrian Tomlinson (Arid Lands Environment Centre) attended in person and spoke on behalf of public submitter Alexander Vaughn also (Arid Lands Environment Centre). Mr Tomlinson raised concerns about development being proposed within close proximity to the floodway and the extent of velocity which relates to lot 6916. Mr Tomlinson noted that lot 6916 may be significantly more liable to the extent of flooding and at a higher velocity than what is currently understood through the development application or the report of recommendation. Mr Tomlinson considers there to be ecological values associated with the site and identified that intense development of the river is subject to heavier rainfalls from rain and flooding due to climate change impacts. Mr Tomlinson explained that additional development should avoid the floodway and river area and indicated a desire to clear floodways rather than bring more development into them.

Clare Norman attended via teams and spoke further to her public submission. Ms Norman reiterated the comments provided by the other public submitters and emphasised that she considers lot 6916 to be the last remnant of ecological and cultural importance on the east side of Lhere Mparntwe (Todd) River.

Mairead Hetherington attended in person and spoke further to her public submission. Ms Hetherington reiterated that she was in agreement with the comments of the other submitters and noted increasing extremity of weather impacts due to climate change and the detriment to overall amenity that would occur as a result of the proposed development on lot 6916.

Hans Gram attended in person and spoke further to his public submission. Mr Gram raised concerns in relation to development on land that is subject to flooding. Mr Gram noted the rise of insurance premiums for Alice Springs residents due to reassessed flooding impacts. The Chair noted that the issue of insurance premiums was not a consideration under the Planning Act. Mr Gram identified nearby residents with disabilities who may be impacted by additional traffic flows via Sturt Terrace. Mr Gram noted that development of lot 6916 will create detrimental impacts on to the adjoining footpath as a result of light pollution and overall occupation of the site.

Christine Burke attended in person and spoke further to her public submission. Ms Burke spoke about the Lhere Mparntwe Management Strategy 2019 and identified that the report does not discuss the eastern side of the river. Ms Burke raised the question with the authority as to how the planning scheme applies the management strategy. The Chair noted that the management strategy is not a statutory document with relevance to the current planning scheme, however the management strategy can be considered under

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section 51(1)(r) of the *Planning Act 1999*. Ms Burke also raised questions as to how amenity is understood and consultation undertaken. The Chair addressed these questions by noting that consultation is ideal but is not a statutory requirement for development within the Northern Territory. The authority notes that three pink exhibition signs were erected for two weeks in accordance with section 49(1) of the *Planning Act 1999*. The chair clarified that amenity is understood as a specific definition that relates to the locality of a development and advised that as a creature of statute the powers of the authority are limited to what is prescribed the *Planning Act 1999*.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Deferral

**ITEM 2**  
**PA2023/0331**

**MOTEL ROOM ADDITIONS TO AN EXISTING HOTEL (GAP VIEW HOTEL)**

**LOT 9304 (123) GAP ROAD & LOT 9305 (60) SOUTH TERRACE, THE GAP, TOWN OF ALICE SPRINGS**

**APPLICANT**

Tatam Planning Co

Attended in person: Christine Burke

Attended via teams: Applicant Cat Tatam (Tatam Planning Co), Mick Betteridge (Project Manager, ANT Galactic), Craig Jervis (Chief Operating Officer, Lasseter's Hotel Casino) and Warwick Bowyer (Development Manager, IRIS Capital (Landowner).

**RESOLVED**  
**27/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 9304 (123) Gap Road and Lot 9305 (60) South Terrace, The Gap, Town of Alice Springs for the purpose of motel room additions to an existing hotel (Gap View Hotel) 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:

**RESOLVED**  
**28/24**

That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegate to the Chair or in the Chair's absence or inability to act any one of the other members of the Division, the power under section 53 of the *Planning Act 1999*, to determine the application to develop Lot 9304 (123) Gap Road and Lot 9305 (60) South Terrace, The Gap, Town of Alice Springs for the purpose of motel rooms additions to an existing hotel (Gap View Hotel) subject to:

1. Amended plans detailing the existing;
  - Australian Height Datum (AHD) levels of the site established by a suitably qualified person (normally a licensed land surveyor) and;
  - Proposed finished levels for the development site in Australian Height Datum (AHD) (levels of driveways, car parking areas, pads/slabs for new buildings, landscaped areas, finished floor levels of proposed motel rooms).

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The amended plans will be circulated to the relevant authorities Transport and Civil Services Division and Alice Springs Town Council confirming no detrimental impacts to adjoining road reserves as a result of the site levels.

2. Confirmation that a right of way or access easement has been created and registered with the Surveyor General over Lot 9304 and 9305 and 28 parking spaces available to the patrons of Lot 9304. The creation and registration of the access easement is required within the first two years of the base period of the permit being issued subject to the following determinations of this deferral being satisfactorily addressed. No drawings will be endorsed until confirmation of the registered easement is provided to the consent authority.
3. An amended Traffic Impact Statement outlining potential vehicle and pedestrian impacts with the drive through bottle shop (on lot 9304) operating hours/alcohol restricted hours of operations and consideration of the impact on access arrangements to lot 9305, the right of way access easements (existing and proposed).
4. Circulation of the Traffic Impact Statement for comment to the local authority (Alice Springs Town Council) and; Department of Infrastructure Planning and Logistics (Transport and Civil Services Division).

### **REASONS FOR THE DECISION**

The authority considers that the change in defined use from a caravan park to a hotel/motel is an improved alignment of the land use definition in contrast to the non-compliant aspects of previously proposed Clause 5.5.13 Caravan Park.

The authority is satisfied that the amended drawings are compliant with the relevant building setbacks required from each street and between buildings on the same site. The authority has determined that additional notification is not required as a result of change in defined use because no public submissions were received and the change of defined use has been a proactive response to the reasons of deferral previously issued on 2 January 2024.

The authority raised concern that the Traffic Impact Statement has not been circulated to the relevant authorities for comment prior to the meeting and as a result the authority cannot provide a determination in accordance with the report recommending approval. Although the authority is confident that the recommendations within the statement are adequate, an updated statement which considers the operating hours of the bottle shop drive thru and the outcome of an access easement which facilitates legal access to Lot 9305 needs to be considered and circulated to the relevant authorities for comment.

The authority also considers that the amended drawings are required for circulation to the relevant authorities so as to confirm the AHD levels do not result in any detrimental impacts with the relevant road reserves as a result of the land being subject to overlay 3.6 (Land Subject to Flooding).

The authority recognises Alice Springs Town Council as being the relevant authority for Walker Street and the Department of Infrastructure Planning and

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Logistics (Transport and Civil Services Division) for both South Terrace and the Gap Road ingress.

The authority considers that the creation of a registered access easement is an outstanding permit condition from previous development approvals which has not been complied with. The authority considers this is an outstanding non-compliance which needs to be formally arranged so as to ensure legal access to the proposed site for development.

**FOR:** 4

**AGAINST:** 0

**ABSTAIN:** 0

**ACTION:** Notice of Deferral

**ITEM 3**  
**PA2024/0157**

### **SUBDIVISION TO CREATE TWO LOTS**

#### **LOT 9107 (112) BARRETT DRIVE, DESERT SPRINGS, TOWN OF ALICE SPRINGS**

**APPLICANT**

Cunnington Rosse Town Planning and Consulting

Attended via teams: Applicant Gerard Rosse (Cunnington Rosse Town Planning and Consulting).

**RESOLVED**  
**29/24**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lot 9107, (112) Barrett Drive, Town of Alice Springs for the purpose of subdivision to create 2 lots, subject to the following conditions:

#### **CONDITION PRECEDENT**

1. Prior to the endorsement of drawings and prior to the commencement of works, a schematic drawing demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The drawing shall include details of site levels and Council's stormwater drain connection point/s. The drawing shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

#### **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. 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.



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4. 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 on the plan of subdivision submitted for approval by the Surveyor General.
5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunications services to each lot shown on the endorsed drawings in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 1, 9 and 10 for further information.
6. 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 and/or the Crown Land Estate Division of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
7. Any proposed work (including the provision or connection of services) within, or impacting upon the road reserves shall be in accordance with the standards and specifications of the Alice Springs Town Council. Design documents must be submitted to the Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
8. The owner shall:
  - (a) remove disused vehicle and/ or pedestrian crossovers; and
  - (b) undertake reinstatement works within the road reserve/s;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Prior to the issue of the Part V (section 62 *Planning Act 1999*) clearance for the subdivision, a written confirmation from a registered building certifier (or other suitably qualified person to the satisfaction of the consent authority) confirming that the existing buildings (on Lot A) noted on the endorsed drawings as being demolished, have been demolished or upgraded comply with the *Building Act 1993*, must be provided to the satisfaction of the consent authority.
10. Appropriate erosion and sediment control measures must be effectively implemented throughout any demolition or construction activities associated with the subdivision, and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website ([www.austieca.com.au](http://www.austieca.com.au)) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets (available at <https://nt.gov.au/environment/soil-land-vegetation>). For further advice, contact the Development Coordination Branch on (08) 89994446.

### NOTES:

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1. 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 ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@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. The development must comply with the technical standards of the Northern Territory Subdivision Development Guidelines for the construction of public infrastructure as part of subdivision works to the requirements of the relevant local and service authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authorities to confirm their requirements, and any variations that may be sought to the Subdivision Development Guidelines, to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
3. As part of any subdivision, the lot/parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) (08) 89955362. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 ([surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au)).
5. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the *Northern Territory Aboriginal Sacred Sites Act 1989*. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
6. This development permit is not an approval to undertake building work. You are advised to contact a Northern Territory registered building certifier to seek a building permit as required by the Northern Territory *Building Act 1993* before commencing any demolition or construction works.
7. An updated Compliance Certificate under the *Swimming Pool Safety Act 2004* issued by the Swimming Pool Safety Authority may be required for the swimming pool/s on the site - for further information contact the Swimming Pool Fencing Unit ph: (08) 89243641 or email: [pool.fencing@nt.gov.au](mailto:pool.fencing@nt.gov.au)
8. Any proposed works which fall within the scope of the *Construction Industry Long Service Leave and Benefits Act 2005* 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.

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9. All developers, including owner-builders, are required to comply with Commonwealth telecommunications requirements. Under Commonwealth law, developers are generally required to provide fibre-ready pit and pipe in their developments at their expense. Developers may be able to access an exemption from these arrangements in some circumstances. For more information visit [www.infrastructure.gov.au/tind](http://www.infrastructure.gov.au/tind)
10. If you choose nbn to service your development, you will need to enter into a development agreement with nbn. The first step is to register the development via <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments.html> once registered nbn will be in contact to discuss the specific requirements for the development. Nbn requires you to apply at least 3 months before any civil works commence. All telecommunications infrastructure should be built to nbn guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
11. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 89994446.
12. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
13. 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.
14. The Department of Environment, Parks and Water Security 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.
15. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that are reasonable and practicable to prevent or minimise pollution or

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environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at:

<https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, 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 NT Planning Scheme 2020 applies to the land which is zoned TC (Tourist Commercial).

The proposed subdivision requires consent under Clause 1.8 (When development consent is required) and Clause 6.1.1. It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), therefore, as outlined in sub-clause 4 of Clause 1.10, the consent authority must take into account all of the following:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Part 6;
- (b) any Overlays and associated requirements in Part 3 that apply to the land;
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.

The 'Editor's Note' included within Clause 6.1 specifies that - *Zones not mentioned in Part 6 do not have minimum subdivision requirements, and should respond to the relevant zone purpose and outcomes and the Strategic Framework.* The subject site (Lot 9107) is zoned TC which is not referenced in "Part 6" of the NTPS2020.

The proposal was considered with regard to the Alice Springs Regional Land Use Plan 2016 (ASRLUP), which is a relevant component of the Strategic Framework. The proposed subdivision is not expected to have any adverse impact in terms of the objectives of the ASRLUP.

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Clause 3.6 (Land Subject to Flooding) of the NTPS2020 is an applicable overlay, as all of the site is within the defined flood area for a 1% AEP riverine flood event. The purpose of Clause 3.6 is to - *identify areas with a known risk of inundation from riverine flooding and ensure that development in these areas demonstrates adequate measure to minimise the associated risk to people, damage to property and costs to the general community.*

The proposed subdivision of the site into two freehold parcels is compatible with the purpose of Clause 3.6 as:

- no new dwellings are being constructed (as part of the subdivision)
- hazardous materials are not stored on site
- no filling / earthworks are proposed as part of the subdivision
- The proposed lots are all assessed as having sufficient size and dimensions to accommodate the range of land use and development types that are permissible in Zone TC (subject to the requirements of Clause 1.8 of the NTPS2020) or conditions of what was previously approved though Exceptional Development Permit EDP23/0005.

The land is located in Zone TC (Tourist Commercial), of which the purpose is to - *facilitate commercial and residential development that caters for the needs of visitors, supports tourism activities, and is of a scale and character compatible with surrounding development.*

*Subdivision primarily provides for lot sizes capable of accommodating the uses expected in the zone.*

“Lot A” (~2570m<sup>2</sup>) – this area is currently developed with a dwelling (manager/dwelling-caretaker of casino) and part of the car parking area for the casino. EDP23/0005 approved a “child care centre” for this part of Lot 9107. If works associated with EDP23/0005 do not proceed, the area and dimensions of Lot A will be able to accommodate the various land uses contemplated within Zone TC.

“Lot B” (~7.7ha) is intended to continue to be used as the lawfully established Lasseter Casino or redeveloped as per EDP23/0005 – existing and approved land uses are all contemplated within Zone TC .

*Subdivision and development is integrated as far as possible with reticulated electricity, water and sewerage (where available), stormwater drainage, and telecommunication infrastructure. If lots are unsewered, provision for the disposal of effluent must be made on-site so that the effluent does not pollute ground or surface waters.*

Technical comments received from the Power and Water Corporation advised of no objections in principal to the subdivision and identified that each lot will be able to be connected to reticulated electricity, water and sewerage services subject to standard conditions on a permit.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any submissions made under section 49, and any evidence

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or information received under section 50, in relation to the development application. The application was exhibited in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000* that were in force at the time of lodgement. No adverse public or local government council submissions were received.

- Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account 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 capability of the land has been previously considered during the development approvals granted for the existing developments on the site as well as the proposed redevelopment of the site approved by EDP23/0005. Comments have been sought from the service authorities regarding the change in servicing arrangements as a result of the proposed subdivision.

The physical characteristics of the land are considered suitable for the proposed subdivision of the site into 2 lots. No filling of the site will be required and the site is within an established tourist commercial locality.

The proposed internal boundary lines of the freehold 'Lot A' are generally consistent with the area proposed to be developed as a child care centre (approved by EDP23/0005), a condition of approval requires registration of an access easement to ensure there is legal access to the shared car parking and driveway areas.

Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address the Alice Springs Town Council's requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

- Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account 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, infrastructure or land to be provided by the developer for that purpose.

The conditions of approval and advisory notes will ensure:

- Service authority interests are duly recognised in terms of storm water drainage, works within the road reserves, electricity, sewerage and water services that apply to the subdivision of the land; and
- The NTPS2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.

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5. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

No impacts on amenity are foreseen as a result of the proposed subdivision. The amenity impact of the existing development (dwelling-caretaker on proposed Lot A and casino on proposed Lot B) has been previously considered during the approvals granted for the existing developments. The proposed subdivision does not alter the existing land uses, scale and built form of the existing development approved under previous approvals. Proposed redevelopment of Lot 9107 was approved by EDP23/0005, works associated with that permit have not yet commenced.

Subject to compliance with the conditions of approval, the proposed subdivision is not expected to have any adverse impact on the existing or future amenity of the area and the lots are of a size considered capable of supporting the existing and continued use for tourist commercial purposes in accordance with the zone, or the works / land uses approved by EDP23/0006.

6. Pursuant to section 51(1)(q) of the *Planning Act 1999*, 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 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) . The statement from a building certifier and drawings included with the application identified that a number of buildings will need to be demolished to avoid encroachment over boundary lines. Conditions of approval will ensure the matters listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* will be complied with.
7. Pursuant to section 51(1)(r) of the *Planning Act 1999*, 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 2011*.

There are no declared heritage places on the subject site or abutting land. The Aboriginal Areas Protection Authority have recommended that the developers seek an 'Authority Certificate' prior to undertaking any works on the subject site and adjacent land.

**FOR:** 4

**AGAINST:** 0

**ABSTAIN:** 0

**ACTION:** Notice of Consent and Development Permit

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**ITEM 4** DWELLING-SINGLE (IN A 2 STOREY BUILDING) WITH A REDUCED  
**PA2023/0342** BUILDING SETBACKS TO THE PRIMARY STREET BOUNDARY  
LOT 8751 (48) TMARA MARA CIRCUIT, ARALUEN, TOWN OF ALICE  
SPRINGS

**APPLICANT** Travis Bettineschi and Peta Bettineschi

Attended in person: Applicants Travis Bettineschi and Peta Bettineschi  
(landowners)

Attended via teams: Submitter Jayde Manning (Aboriginal Areas Protection  
Authority)

**RESOLVED**  
**30/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 8751 (48) Tmara Mara Circuit, Town of Alice Springs for the purpose of dwelling-single (in a 2 storey building) with a reduced building setback to the primary street boundary 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. Amended drawings provided to Development Assessment Services which show;
  - compliant areas of functional and well purposed Private Open Space in accordance with the requirements outlined in Table to Clause 5.4.6.1 “Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group
  - confirmation of the proposed building setback distance from the primary street boundary and;
  - confirmation of the building height clearly labelled on the drawings and shown as compliant with Clause 5.2.1 “General Height Control”.
2. Confirmation from the Aboriginal Areas Protection Authority demonstrating that the proposed location of the dwelling no longer impacts the Restricted Works Area and that all matters between the landowner and the authority are resolved. The amended drawings will need to be informed by the AAPA so as to ensure that any variations proposed as part of the development and the extent of the RWA are compatible.
3. Written confirmation from Crown Land Estate outlining the status of the existing drainage easement and whether or not the easement is still required.

### REASONS FOR THE DECISION

The authority considers Lot 8751 as being subject to significant land constraints as a result of the existing drainage easement and the Restricted Works Area. The authority considers that although a building setback variation can be supported that no determination can be made until matters are resolved between the landowner and the Aboriginal Areas Protection Authority which have previously outlined that the proposed development impacts the RWA.



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Jayde Manning of AAPA attended the meeting via teams and stated that AAPA intends to work with the landowner to resolve the issues related to the proposed development.

The outcome of deliberation between the landowner and Crown Land Estate regarding the drainage easement will inform the authorities' decision and ensure that the authority can provide a future determination for the development proposal that does not result in illegal use of the land.

The amended plans provided to the authority will clearly demonstrate that the development proposal complies with the requirements outlined within;

- Clause 5.2.1 General Height Control
- Clause 5.4.6.1 Private Open Space for Dwellings-single, Dwellings-independent and Dwellings-group

Although the development is still likely to require a building setback variation, it is considered important that the amended drawings clearly demonstrate the extent of compliance with all development requirements outlined within Part 5 of the NT Planning Scheme 2020.

**FOR: 4**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Deferral

**ITEM 5  
PA2024/0115**

**22 x 3 BEDROOM AND 5 x 2 BEDROOM DWELLINGS-GROUP IN 15 x  
SINGLE STOREY BUILDINGS  
LOT 2663 (19) SOUTH TERRACE, THE GAP, TOWN OF ALICE SPRINGS**

**APPLICANT**

The Bowling Green Pty Ltd

Attended in person: Applicant Paul Graham (landowner)

**RESOLVED  
31/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 2663 (19) South Terrace, Town of Alice Springs for the purpose of 22 x 3 bedroom and 5 x 2 bedroom dwellings-group in 15 x single storey buildings 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. The outcome of discussions between the applicant and the Aboriginal Areas Protection Authority (AAPA), noting that 23 May 2024 correspondence from AAPA recommends that the development application is not approved until such time as the proponent clarifies that the proposed development is consistent with Authority Certificate C2021/091.
2. Site plan, floor plan, elevations and cross-sections of the site clearly detailing the proposed development of the site, including:

- (i) Existing Australian Height Datum (AHD) levels of the site established by a suitably qualified person (normally a licensed land surveyor);
  - (ii) Proposed finished levels for the site in AHD (including finished levels for driveways and car parking areas, private open space areas and finished floor levels of dwellings);
  - (iii) Sufficient cross-sections and longitudinal sections to show the relationship between structures and their respective heights above “ground level” of the site as defined in the NT Planning Scheme 2020;
  - (iv) Concept stormwater drainage details, accompanied by written support in principle from the Alice Springs Town Council;
  - (v) Details of any proposed retaining walls for containment of fill
  - (vi) Retention of the mature native tree on the north boundary of the site and any associated AAPA restricted works areas
  - (vii) locations of the:
    - water and electricity meters; and
    - fire hydrantthat have already been built on the site
  - (viii) Floor plan, elevations and building setback details of the proposed outbuilding (shade structure in the communal open space area);
3. Documentation from a suitably qualified person demonstrating that the likely effect of filling part(s) of the site (as proposed through plans to be submitted in response to Point 1(b) above) on the behaviour of flood water in terms of potential impacts on other properties, including in, but not necessarily limited to, a 1% Annual Exceedance Probability flood event. A hydrological study and report are envisaged – as set out in subclause 5 of Clause 3.6 of the NTPS2020.

Documentation regarding likely flood impacts of the development are not required to be provided if the design is amended to achieve required floor level heights for the dwellings without fill, by constructing the dwellings on piers/columns that will allow flood waters to pass beneath the buildings.

## **REASONS FOR THE DECISION**

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme 2020 applies, and the land is in Zone MR (Medium Density Residential).

The application (as exhibited) does not fully comply with:

- Clause 3.6 (Land Subject to Flooding)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.6.1 (Landscaping in Zones Other Than Zone CB)
- Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
- Clause 5.4.3.2 (Distance Between Residential Buildings on One Site)
- Clause 5.4.6.1 (Private Open Space for Dwellings-Single, Dwellings-Independent and Dwellings-Group)

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- Clause 5.4.17 (Building Articulation)
- Clause 5.4.18.1 (fencing in Zones MR and HR)
- Clause 5.8.9 (Excavation and Fill)

Under sub-clause 5 of Clause 1.10, *the consent authority may consent to a proposed use or development that is not in accordance with a requirement set out in Part 3 or Part 5 only if it is satisfied that the variation is appropriate having regard to:*

- a. the purpose and administration clauses of the requirement; and*
- b. the considerations listed under Clause 1.10(4).*

Deferral of the proposal will give the applicant opportunity to review the design, identify what variations to the NTPS2020 are being sought and information on how the proposal responds to the criteria in sub-clause 5 of Clause 1.10.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the Development Consent Authority must, in considering a development application, take into account 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 physical characteristics of the land have not been addressed within the application documentation and existing conditions on site (eg: filling, driveways, water meter, fencing, mature tree) have not been shown on drawings

3. Pursuant to section 51(m) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account 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, infrastructure or land to be provided by the developer for that purpose.

There is insufficient detail within the application (as exhibited) with regard to the provision of services and other utility infrastructure required for a development of this size, and there is a concern that the inclusion of services will adversely impact the final design and appearance of the development and its compliance with performance criteria listed in the NT Planning Scheme 2020.

4. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact of natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. Aboriginal Areas, Protection Authority (AAPA) correspondence (23 May 2024) recommends that the development application is not approved until such time as the proponent clarifies that the proposed development

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is consistent with Authority Certificate C2021/091. Deferral if the application will enable the applicant to resolve this matter with AAPA.

5. The application documentation submitted is not considered to provide sufficient information to enable a full and proper assessment against the matters contained in section 51 of the *Planning Act 1999*.

**FOR:** 4

**AGAINST:** 0

**ABSTAIN:** 0

**ACTION:** Notice of Deferral

**ITEM 6**  
**PA2024/0116**

**CHANGES TO THE DEVELOPMENT APPROVED BY DP21/0340 (AS VARIED) FOR THE PURPOSE OF ALTERATIONS TO DESIGN AND CAPACITY OF CHILD CARE CENTRE LOT 9914 (127) TODD STREET, TOWN OF ALICE SPRINGS**

**APPLICANT**

Susan Dugdale & Associates

Attended in person: Applicant Susan Dugdale (Susan Dugdale & Associates) and Simon Duke (Project Manager, Congress).

Pursuant to section 97 of the *Planning Act 1999*, Deepika Mathur, a specialist member of the Alice Springs Division of the Development Consent Authority disclosed an interest. Ms Mathur was not present during, did not contribute to or take part in the deliberation or decision of the Division in relation to Item 6.

**RESOLVED**  
**32/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 9914, (127) Todd Street, Town of Alice Springs for the purpose of changes to the development approved by DP21/0340 (as varied) for the purpose of alterations to design and capacity of child care centre 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. Clarification of which drawings/design of the child care centre and car parking layout the land owner / developer wishes to use.
2. An updated Traffic Impact Assessment for the development (works under construction & proposed changes to childcare centre) with written verification from Alice Springs Town Council of its support (in principle) to the development application noting:
  - i) it is unclear from Council's previous correspondence (19/01/2022, 06/02/2023) whether Council has considered and supports the amended car parking arrangements for the childcare centre and the "Fyfe" report has not been provided to the Development Consent Authority
  - ii) the increased capacity of the childcare centre (from what was approved by Development Permit DP21/0340) and use of the car parking area (accessed off Todd Street) for visitor / children drop off and collection
  - iii) 30/05/2024 comments from Alice Springs Town Council identifies that the proposed changes to DP21/0340 comply with the NTPS2020,

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whereas the Technical Assessment from Development Assessment Services (included within the agenda report) has identified a further car parking shortfall (for Lot 9914) and non-compliance with car parking layout

3. clarification of the pedestrian interface and accessibility between the office and medical clinic building and childcare centre as well as clarification of access arrangements to the bicycle storage shed
4. applicant's response to comments (dated 01/07/2024) from the Department of Education (ie: confirmation from applicant whether the proposed site layout will need to be altered to comply with accreditation requirements)
5. details / boundaries of any staging of the proposed works on the site and clarification of the land owners intentions regarding:
  - i. if approval for the amendments to the childcare centre is being sought as a permit with conditions independent from those on DP21/0341.
  - ii. the proposed subdivision of Lot 9914 (noting the previous approval (Development Permit DP21/0341) has lapsed.

### REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any planning scheme that applies to the land to which the application relates. The Northern Territory Planning Scheme 2020 applies, and the land is in Zone TC (Tourist Commercial).

The application (as exhibited) included two sets of drawings of the proposed childcare centre showing different/conflicting information (car parking layout, landscaping etc) – clarification is required on what design the land owners wish to proceed with.

The proposed changes to DP21/0340 create further non-compliances with:

- Clause 5.2.4.1 (Car Parking Spaces)
- Clause 5.2.4.4 (Layout of Car Parking Areas)
- Clause 5.2.5 (Loading Bays)
- Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)
- Clause 5.5.7 (Child Care Centre)
- Clause 5.5.15 (Design in Commercial and Mixed Use Areas)
- Clause 5.9.1.1 (Building Design in Alice Springs Town Centre)

Under sub-clause 5 of Clause 1.10, *the consent authority may consent to a proposed use or development that is not in accordance with a requirement set out in Part 3 or Part 5 only if it is satisfied that the variation is appropriate having regard to:*

- (a) *the purpose and administration clauses of the requirement; and*
- (b) *the considerations listed under Clause 1.10(4).*

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Deferral of the proposal will give the applicant opportunity to review the design, identify what variations to the NTPS2020 are being sought and information on how the proposal responds to the criteria in sub-clause 5 of Clause 1.10.

2. The application documentation submitted is not considered to provide sufficient information to enable a full and proper assessment against the matters contained in section 51(3) of the *Planning Act 1999*.

**FOR: 3**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Deferral

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

**SUZANNE PHILIP**  
Chair

27 August 2024