



## DEVELOPMENT CONSENT AUTHORITY

### ALICE SPRINGS DIVISION

### MINUTES

**MEETING No. 147 – WEDNESDAY 13 JULY 2011**

**CROWNE PLAZA ALICE SPRINGS  
BARRETT DRIVE**

**MEMBERS PRESENT:** Peter McQueen, John McBride, Samih Bitar and Brendan Heenan

**APOLOGIES:** Sandy Taylor and Libby Prell

**OFFICERS PRESENT:** Peter Somerville, Sally Cunningham (excluding Item 1), Ben Taylor, Gemma Gooley and Melissa Pascual (minutes)

**COUNCIL REPRESENTATIVE:** Mark Pierson

**Meeting opened at 9:45am and closed at 12.05pm**

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 4579, 6 GAP ROAD, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS  
                                 COGENERATION SYSTEM – POWER GENERATOR WITHIN ACOUSTIC CONTAINER (12M X 3.2M X 4M)  
                                 DEPARTMENT OF CONSTRUCTION AND INFRASTRUCTURE**

Lalith Ramachandra (from the Department of Construction and Infrastructure) attended the meeting and tabled documents in support of the application.

**RESOLVED**            That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4579, 6 Gap Road, Suburb of The Gap, Town of Alice Springs for the purpose of a Cogeneration System (power generator within acoustic container) 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:

- 0058/11**
1. An assessment demonstrating how the proposed development will comply with the following aspects of the NT Planning Scheme which apply to the land:
    - a) Clause 6.2 (Building Heights in Alice Springs);
    - b) Clause 6.6 (Loading Bays);
    - c) Clause 6.8 (Demountable Structures);
    - d) Clause 6.12 (Landscaping);
    - e) Clause 6.14 (Land Subject to Flooding and Storm Surge);
    - f) Clause 8.2 (Commercial and other Development in Zone.....CP...);
    - g) Clause 2.8 (Reference to Guidelines);
    - h) Clause 14.4.4 (Southern Area Plan)Clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority to consent to the development or use of land that does not meet the standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent.
  2. Amended plans at a legible scale, showing the following information:
    - a) The north point, area of the existing parcel and boundary dimensions.
    - b) Existing and proposed buildings and their distance from lot boundaries. A diagram showing the location of the proposed cogeneration system shall be also provided (as an enlargement of part of the site plan at a scale of 1:200).
    - c) Any existing and proposed easements, substations and services (i.e.: PAWC infrastructure, fire fighting infrastructure (hydrant boosters etc).
    - d) Locations and dimensions of vehicle access points, parking areas, driveways, vehicle turning areas and loading areas within the vicinity of the location of the proposed cogeneration system.
    - e) Landscape and open space areas including types of planting, details of screening and fencing (locations and descriptions within the vicinity of

- the location of the proposed cogeneration system.
- f) The proximity of the footpath, landscaping, parking area/s and vehicle carriage way within the Gap Road road reserve.
  - g) Dimensioned floor plans of the proposed cogeneration system and ancillary structures showing layout and uses.
  - h) All elevations of buildings indicating finished floor levels, existing and finished ground levels and external finishes.
  - i) Sufficient cross sections and longitudinal sections to show the relationship between the cogeneration system and its ancillary structures, existing and proposed fencing, landscaping and the existing maintenance building and their respective heights.
  - j) Any amendments to the drawings necessary to demonstrate compliance with points 1 and 3 of this deferral resolution.
3. Information to the satisfaction of the consent authority demonstrating:
    - a) The ground level (Australian Height Datum) of the location of the proposed cogeneration system is to be placed.
    - b) Details of the flood surface height within the estimated 1%AEP Defined Flood Area that affects the subject site in relation to the finished floor level of the proposed development. Regard should be had to sub-clause 5(a) of Clause 6.14 (Land Subject to Flooding and Storm Surge) which states that the storage or disposal of environmentally hazardous industrial material and the development of fuel depots should be avoided.
  4. The documents tabled by the applicant at the meeting and any documentation and drawings submitted (to the Development Consent Authority) in response points 1, 2 and 3 above will be distributed to all submitter/s and relevant service authorities who will be given two weeks to make further submissions/comments in relation to the proposal.

## REASONS

1. Pursuant to section 46(4)(b) of the *NT Planning Act*, the consent authority "may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application".
2. Pursuant to section 52(1)(a) of the *Planning Act* the Development Consent Authority must not consent to a proposed development if, in its opinion, the proposed development is contrary to a planning scheme provision. The development application (as publicly exhibited) has not demonstrated how the proposed development will comply with the relevant clauses of the Northern Territory Planning Scheme.
3. Clause 2.5 (Exercise of Discretion by the Consent Authority) allows the Development Consent Authority to consent to the development or use of land that does not meet the standard set out in Part 4 of the NT Planning Scheme only if it is satisfied that special circumstances justify the giving of consent. The development application (as publicly exhibited) has not demonstrated that the relevant standards contained in Part 4 of the NT

planning Scheme have been met and no special circumstances are evident.

4. Pursuant to section 51(n) of the *NT Planning Act*, the consent authority must consider the potential impact on the existing and future amenity of the area in which the land is situated. It is not considered that the drawings, supporting information and justification provided with the application accurately shows the dimensions and setbacks of the proposed building nor sufficiently addresses the potential impact the proposed development may have on the amenity of the area (in particular the visual amenity of the cogeneration viewed from the road reserve and adjacent and nearby land), and the consent authority requests additional information to assist in its determination of the application.
5. The further information requested in relation to flood levels will enable a proper assessment against Clause 6.14 (Land Subject to Flooding and Storm Surge).

**ACTION:** DAS to advise applicant and submitters of Deferral

**ITEM 2                    DEVELOPMENT – CARPORT ADDITION TO SINGLE DWELLING WITH  
REDUCED BUILDING SETBACK DISTANCE TO SIDE BOUNDARY  
LOT4265, 33 MADIGAN STREET, SUBURB OF BRAITLING, TOWN OF ALICE  
SPRINGS  
UTE LINDA PYPKE**

The applicant Ute Pypke attended the meeting, submitter Jill Brew attended the meeting and spoke to her submission.

**RESOLVED  
0059/11**

That, pursuant to section 46(4)(b) of the *Planning Act*, the Development Consent Authority defer consideration of the application to develop Lot 4265, 33 Madigan Street, Suburb of Braitling, Town of Alice Springs for the purpose of a carport addition to an existing single dwelling with a reduced side setback to seek the following additional information that the Authority considers necessary in order to enable the proper consideration of the application:

1. Confirmation from the Department of Lands and Planning's *Building Advisory Services* division that the carport (as shown in the drawings submitted with the development application) will comply with section 2.3 (Fire Safety) of the Building Code of Australia.
2. The applicant providing details / amended drawings specifying:
  - Proposed treatment (including materials and colours of any cladding) of the end of the building to screen the exposed roof frames and carport when viewed from Lot 4266, Madigan Street; and
  - The height of the solid fence located along the boundary of Lots 4265 and 4266.

**REASONS**

1. The Building Code of Australia requires that certain structures within close

proximity of a boundary meet minimum fire resistance level requirements. To ensure that the Development Consent Authority has an accurate understanding of the final design of the carport (i.e.: whether or not a "fire wall" is required), confirmation is requested from the Department's *Building Advisory Services* division as to the ability of the carport (with a zero side setback as shown in the application) to comply with the Building Code of Australia.

6. Pursuant to section 46(4)(b) of the *NT Planning Act*, the consent authority "may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application". The application did not include sufficient details of external finishes and colours of the carport and boundary fencing to the site. Before determining the application to vary the requirements of Clause 7.3 (Building Setbacks of Residential Buildings) the consent authority considers it necessary to have information of any aspects of the development may have that will minimise any adverse effects of building massing when viewed from adjoining land.

**ACTION:** DAS to advise applicant and submitter of Deferral

**ITEM 3                    DEVELOPMENT – LOT 2897 AND LOT 2898, 19 AND 21 PURVIS  
CRESCENT, SUBURB OF GILLEN, TOWN OF ALICE SPRINGS  
BOUNDARY RE-ALIGNMENT – SUBDIVISION/CONSOLIDATION  
DAVID CURL**

David Curl attended the meeting.

**RESOLVED  
0060/11**

That, pursuant to section 46(4)(b) of the Planning Act, the Development Consent Authority defer consideration of the application to subdivide/consolidate

Lots 2898 and 2897 (19 and 21) Purvis Crescent, Suburb of Gillen, Town of Alice Springs for the purpose of a boundary realignment 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. A report from a Building Certifier within the meaning of the Building Act addressing the requirements of section 46(3)(k) of the Planning Act.
2. A survey plan (with dimensions) showing the proposed final lot layout of both Lots 2897 and 2898. The plan should show:
  - The north point, approximate areas of the proposed parcels and dimensions and bearings of proposed lot boundaries
  - Existing and proposed easements and services
3. A site plan (with dimensions) for Lot 2897 & 2898 showing all existing buildings / structures and their building setback from the proposed boundaries.

## REASONS

1. Pursuant to section 46(3)(k) of the Northern Territory Planning Act, an application for the proposed subdivision on which a building is situated, is to contain a report from a building certifier within the meaning of the Building Act as to whether the building will cease to comply with the Building Act if the proposed development were to proceed. No such report was provided at the time of making the application and the consent authority consider it a critical piece of information required as part of its decision making process.
2. Pursuant to section 46(4)(b) of the *NT Planning Act*, the consent authority "may require the applicant to provide it with the additional information that it considers necessary in order to enable the proper consideration of the application".

**ACTION:** DAS to advise applicant of Deferral

## ITEM 4

**DEVELOPMENT – LOT 8059, 28 UNDOOLYA STREET, SUBURB OF EAST SIDE, TOWN OF ALCIE SPRINGS  
TO VARY CONDITIONS 1 AND 3 OF DP10/0524 FOR THE PURPOSE OF CHANGES TO LOCATIONS & DIMENSIONS OF FENCING, SHED, CHILDREN'S AREAS, OUTDOOR DINING AREAS & FRIDGES, OUTDOOR SMOKING AREAS, CAR PARKING LAYOUT & MINOR CHANGES TO FLOOR LAYOUT (BAR & OFFICE)  
ZONEA PTY TD**

Stuart Chalmers from ZoneA Pty Ltd attended the meeting in support of the application.

## RESOLVED 0061/11

That, the Alice Springs Division of the Development Consent Authority, pursuant to section 86(1) of the Planning Act and with reference to section 42 of the Interpretation Act delegate its powers under section 57(3) of the *Planning Act*, to any one of the members of the Division to consent to the application to vary conditions 1 and 3 of DP10/0524 for the purpose of changes to locations & dimensions of fencing, shed, children's areas, outdoor dining areas & fridges, outdoor smoking areas, car parking layout & minor changes to floor layout (bar & office) subject to the receipt of a site plan (generally consistent with drawing number 1957-01-WD dated 09/06/2011 prepared by Zone A Pty Ltd) but amended to show:

- Boundary dimensions of Lot 8059;
- Existing and proposed buildings and their distance from lot boundaries;
- The position and dimensions of fences, driveways and car parking areas and their relationship to the boundaries of the allotment.

Condition 3 of DP10/0524 is varied as follows:

Condition 3:

*Within 2 years of the date of this permit being issued, the areas set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*

- a) constructed;*
- b) properly formed to such levels that they can be used in accordance with the*

plans;  
c) surfaced with an all-weather-seal coat;  
d) drained;  
e) line marked to indicate each car space and all access lanes;  
to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times (including the interim period prior to sealing works being carried out, during which, parking areas shall be suitably dust suppressed).

The following condition shall be included on DP10/0524:

Condition 6:

*The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and electricity services to the land shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.*

**ACTION:** DAS to prepare a Variation of Conditions Development Permit

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



**PETER McQUEEN**  
Chairman

21/17/2011

