



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

### **MINUTES**

**MEETING No. 282  
6 DECEMBER 2023**

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

**MEMBERS PRESENT:** Suzanne Philip (Chair), Chris Neck, Deepika Mathur, Allison Bitar, Matt Paterson

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Chay Garde, Hanna Steevens, Benjamin Taylor, Kieran Marsh, Ben Wollinski, Jennie Ryan

**COUNCIL REPRESENTATIVE:** Matt Raymond

**Meeting opened at 9:45am and closed at 11:20am**

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  
PA2023/0310 TELECOMMUNICATIONS FACILITY WITH A 31.3M HIGH MONOPOLE AND ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER  
LOT 5782 (110) BARRETT DRIVE & LOT 8120 (56) CROMWELL DRIVE, DESERT SPRINGS

Applicant, Mark Baade (Amplitel Pty Ltd) attended the meeting via video conferencing and spoke further to the application.

No submitters attended the meeting.

RESOLVED  
26/23

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lot 5782 (110) Barrett Drive and Lot 8120 (56) Cromwell Drive, Town of Alice Springs for the purpose of a Telecommunications Facility with a 31.5m high monopole and associated antennas and equipment shelter, 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. Identify a suitable alternative location for the Telecommunications Facility on the site ensuring that the location is a reasonable distance from residential uses;
2. Resolve access requirements, with Crown Land Estate, across Lot 8120 (56) Cromwell Drive, Town of Alice Springs to the location of the Telecommunications Facility ;
3. Provide sub-leasing arrangements for the location of the Telecommunication Facility area;
4. Provide amended plans illustrating the location of the associated car parking space.

#### REASONS FOR THE DECISION

The location of the Telecommunications Facility has been identified as being located within a Restricted Work Area and restricts the ability for the Telecommunications Facility from being constructed in accordance with Authority Certificate C2023/089.

A suitable alternative location is required to be identified on lot 5782 (110) Barrett Drive, Town of Alice Springs for the Telecommunications Facility to continue proper consideration of the application. Pursuant to section 51(n) of the *Planning Act 1999*, the location must consider the potential impact on the existing and future amenity of the area in which the land is situated. Depending on the nature of the alternative location re-advertisement may be required.

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There is currently no formal access to the proposed Telecommunications Facility. Formal access to the Telecommunications Facility across Lot 8120 (56) Cromwell Drive, Town of Alice Springs is required to be resolved.

In accordance with clause 5.2.4.1 (Car Parking Spaces) of the Northern Territory Planning Scheme 2020, a car parking space is required for the proposed Telecommunications Facility. Amended plans are required to include the location of the car parking space associated with the Telecommunications Facility.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** DAS to prepare letter of deferral

**ITEM 2**  
**PA2023/0367**

### **SUBDIVISION TO CREATE SEVEN (7) LOTS**

**LOT 9399 (519) STUART HIGHWAY, TOWN OF ALICE SPRINGS & NT PORTION 7652 (155) COLONEL ROSE DRIVE, KILGARIFF**

Cat Tatam, (Tatam Planning Co) attended the meeting via video conferencing and spoke further to the application.

**RESOLVED**  
**27/23**

That, pursuant to section 46(4)(c) of the *Planning Act 1999*, the Development Consent Authority defer consideration and determination of the application to develop part Lot 9399 (519) Stuart Highway, Town of Alice Springs and part NT Portion 7652, Suburb of Kilgariff for the purpose of subdivision to create 7 lots until the Minister makes a decision about the Planning Scheme Amendment application (PA2023/0274), to amend the Kilgariff Area Plan, and the changes to the NT Planning Scheme 2020 have come into effect.

**RESOLVED**  
**28/23**

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 members of the Division, the power under section 53 of the *Planning Act 1999*, to determine the application to develop part Lot 9399 (519) Stuart Highway, Town of Alice Springs and part NT Portion 7652, suburb of Kilgariff for the purpose of subdivision to create 7 lots subject to:

1. Resolution 27/23 requirements being met (with no substantive changes to the material for PA2023/0274 that was publicly exhibited); and
  2. receipt of technical comments from the:
    - Power and Water Corporation (water and sewerage);
    - Alice Springs Town Council; and
    - Transport and Civil Services Division and the Transport Safety Services Division (of the Department of Infrastructure, Planning and Logistics)
- (a) indicating no objections in principle to the subdivision proposed in PA2023/0367; and
- (b) providing details of conditions that should be included on any Development Permit issued (for subdivision) that will address their technical requirements

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### REASONS FOR THE DECISION

1. Pursuant to section 51(1)(m) of the *Planning Act 1999*, the consent authority must take into consideration the public utilities or infrastructure provided in the area in which the land is situated, the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities, infrastructure or land to be provided by the developer for that purpose.

The Authority considers it reasonable to seek technical comments from service authorities, including, but not limited to, reticulated services, stormwater management, access, and impacts on the traffic network to ensure all issues can be appropriately addressed via standard conditions and to enable the proper consideration of the application against NT Planning Scheme 2020 objectives.

2. Pursuant to section 51(1)(t) of the *Planning Act 1999*, the consent authority may take into consideration other matters it thinks fit.

The Authority considers it reasonable to consider any additional technical comments from service authorities, including any overdue comments (received outside of the period specified in sections 48 and 48A of the Act), which may be received during the period of time that this application is deferred and prior to the finalisation of the associated Planning Scheme Amendment (PA2023/0274). This will enable the Authority to make a proper assessment of the proposed subdivision against sub-clause 4 of Clause 6.5.1 (Subdivision in Zone FD) of the NTPS2020. It is noted that there are unlikely to be further extensions given to the timeframes for service authorities to comment beyond the period that this application is deferred.

3. Pursuant to section 52(2) of the *Planning Act 1999*, subject to subsection (3) and (4), the consent authority must not consent to a proposed development except in accordance with any planning scheme applicable to the development.

At present, the proposed subdivision is not in accordance with the current Kilgariff Area Plan which forms part of Part 2 (Strategic Framework) of the Northern Territory Planning Scheme 2020.

#### Kilgariff Area Plan (30.10.2020)

The Kilgariff Area Plan (KAP) establishes detailed guidance, including concepts, for the future development of the area to: advance policy objectives, respond to constraints and land suitability, the local character, needs and aspirations of the community, and guidance for future zoning and development.

The Kilgariff West Concept Plan identifies the subject site as being for residential use (of not less than 10 dwellings per hectare density), commercial mixed use and community areas. The subdivision layout and use for sports and community purposes is not consistent with the KAP for residential subdivision layout and residential use.

4. Pursuant to section 52(4) of the *Planning Act 1999*, the Minister may give the Development Consent Authority approval to consent to a proposed development despite it being contrary to any strategic framework in the planning scheme applicable to the development.

The Minister has not provided any guidance or direction regarding this application to the Development Consent Authority. Therefore, the Development Consent Authority cannot approve this application at this time.

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The Development Consent Authority acknowledges that a Planning Scheme Amendment application (PA2023/0274) has been lodged and publicly exhibited for the purpose of amending the Kilgariff Area Plan and Kilgariff West Concept Plan. If approved, the proposed amendments will ultimately facilitate a change in zoning and align this subdivision proposal with the Strategic Framework as envisaged within the Kilgariff Area Plan.

As such, pursuant to section 46(4)(c) this application is deferred until such time as a decision has been made by the Minister on the application seeking a Planning Scheme Amendment (PA2023/0274).

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** DAS to prepare letter of deferral

**ITEM 3  
PA2023/0331**

**CARAVAN PARK (CABINS) EXTENSION TO AN EXISTING HOTEL/CARAVAN PARK (GAP VIEW HOTEL)  
LOTS 9304 & 9305 (123) GAP ROAD AND (60) SOUTH TERRACE, SUBURB OF THE GAP**

Cat Tatam, (Tatam Planning Co) attended the meeting via video conferencing and spoke further too the application.

**RESOLVED  
29/23**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration of the application to develop Lots 9304 (123 Gap Road) and Lot 9305 (60 South Terrace), Suburb of The Gap, Town of Alice Springs for the purpose of a caravan park (cabins) addition to an existing bar-public (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:

1. Written authorisation from the registered land owner of Lots 9304 and 9305, Town of Alice Springs (director/s of Iris Gap View Property Pty Ltd as trustee for the Iris Gap View Property Trust) for the lodgement of the development application.
2. Demonstration of legal “access” for vehicles and pedestrians to the proposed development/use on Lot 9305, (via Lot 9304 & Lot 9303). Noting that:
  - i. all parcels (Lots 9303, 9304 & 9305) are on separate land titles;
  - ii. no right of way easement/s (for Lot 9305) are in place, and conditions of previous *Planning Act 1999* approvals (DP11/0031 (as varied) and DP18/0369) have not been complied with.
  - iii. The application (as exhibited) indicated that occupants of the caravan park on Lot 9305 may be able to use facilities located on Lot 9304 (eg: swimming pool/s, outdoor areas)

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3. A Traffic Impact Statement report prepared by a suitably qualified person indicating:
  - i) traffic management and road safety effects on all road users including drivers, cyclists and pedestrians expected by the operation of the development and caravan park use on Lot 9305 and impact of the proposed vehicle crossover and egress point to Walker Street (an Alice Springs Town Council controlled road reserve) to the intersection of South Terrace (NT Government controlled road reserve).
  - ii) Recommendations to ensure the development design and use avoids adverse impacts on the adjoining road network.
4. Written response (from the applicant) to the matters identified in the Technical Assessment (that was emailed to the applicant on 5 December 2023), through:
  - i. clarification of how the proposed development / use on Lot 9305 will operate in terms of alignment with NTPS2020 land use definitions and relevant clauses (e.g.: design requirements listed in Clause 5.5.13 Caravan Parks);
  - ii. updated drawings and documentation demonstrating compliance with NTPS2020 clauses (requirements) and extent of any variations being sought (to requirements).
5. Noting the requirements of section 75B of the *Planning Act 1999*, a response from the land owner's representative of whether the land owner intends to comply with the conditions of Development Permit DP11/0031 (as varied) and Development Permit DP18/0369 and associated timeframes.
6. Amended drawings and documentation:
  - i) Incorporating any design changes resulting from points 1 to 4 (above)
  - ii) Showing:
    - the correct (registered survey plan LTO2001/009) parcel dimensions, easement and services details of Lot 9304 and Lot 9305 on the site plan/s of the proposed works eg: right of way and PAWC (electricity and sewerage) easements shown on drawings. Locations of existing and proposed water and electricity meters and backflow prevention device shown on drawings.
    - existing "ground level" (NTPS2020 definition) of Lot 9305 and proposed site levels resulting from civil works eg: filling from constructing internal driveways, preparation for placement of cabins on Lot 9305. Measurements are to be in AHD;
    - vehicle and pedestrian access arrangements to Lot 9305 and traffic flows through Lots 9304 and 9305 (noting that vehicle access to Lot 9305 is proposed via the right of way easements and in the vicinity of the drive thru bottle shop on Lot 9304.
    - How access for persons with disabilities will be provided for within the proposed development at appropriate ratios (eg: bathroom / cabin design, ramp access, car parking spaces)
    - Garbage and recycling storage and collection location/s for the development

**REASONS FOR THE DECISION**

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application the consent authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 (NTPS2020) applies to the land which is zoned TC (Tourist Commercial) and also subject to the Overlay listed in Clause 3.6 (LSF – Land Subject to Flooding).

Under sub-clause 4 of Clause 1.10 of NTPS 2020, *in considering an application for consent for a use or development identified as ‘Impact Assessable’ the consent authority must take into account all of the following:*

NTPS2020 considerations (sub-clause 4 of Clause 1.10)	DCA Summary of Issues
(a) <i>any relevant requirements, including the purpose of the requirements, as set out in Part 5;</i>	<p>The application (as publicly exhibited) does not fully comply with:</p> <ul style="list-style-type: none"> <li>• Clause 5.2.4.1 (Car Parking Spaces)</li> <li>• Clause 5.2.4.4 (Layout of Car Parking Areas)</li> <li>• Clause 5.3.7 (End of Trip Facilities in Zones HR, CB, C, SC and TC)</li> <li>• Clause 5.5.3 (General Building and Site Design)</li> <li>• Clause 5.5.13 (Caravan Parks)</li> </ul> <p>Development Assessment Services’ assessment of the proposal has also identified several aspects of non-compliance not considered within the application documentation.</p> <p>Discussion of non-compliant aspects and other notable issues in relation to Part 5 requirements was provided in the Technical Assessment emailed to the applicant on 05/12/2023.</p> <p>Deferral of the application, seeking updated drawings and other information will enable proper assessment of the development and land use against the NTPS2020 “Part 5” requirements, objectives and appropriateness and extent of variations being sought.</p>
(b) <i>any Overlays and associated requirements in Part 3 that apply to the land;</i>	<p>Both Lots 9304 and 9305 are affected by the Land Subject to Flooding Overlay (1% AEP Todd River event) - full assessment against Clause 3.6 was provided in the Technical Assessment.</p> <p>No accurate details of existing and proposed site levels have been provided, old mapping indicates the 2002 ground level was similar to the 2015 modelled levels.</p> <p>The application is deferred to enable the applicant to:</p> <ul style="list-style-type: none"> <li>• verify existing “ground level” of Lot 9305 and advise the extent of filling of the site that will be required to undertake civil works (car parking areas, driveways, site preparation / slabs for new buildings).</li> <li>• demonstrate adequate measures to minimise the associated risk to people, damage to property and costs to the general community.</li> </ul>
(c) <i>the guidance provided by the relevant zone purpose and outcomes in Part 4, or Schedule 4.1 Specific Use Zones; and</i>	<p>The land is zoned TC (Tourist Commercial) – the purpose of the zone is to <i>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.</i></p> <p>Full assessment against zone outcomes is provided in the Technical Assessment</p> <p>The application is deferred to enable the applicant to:</p> <ul style="list-style-type: none"> <li>• respond to identified aspects of non-compliance against zoning objectives</li> <li>• demonstrate lawful vehicle access to Lot 9305 (via Lots 9303 &amp; 9304)</li> <li>• demonstrate to service authorities that the development/design avoids adverse impacts on the local road network</li> <li>• improve its response to objectives of the <i>Community Safety Design Guide</i></li> </ul>
(d) <i>any component of the Strategic Framework relevant to the land as set out in Part 2.</i>	<p>The Alice Springs Regional Land Use Plan 2016 is relevant to the land which is identified for tourism use.</p> <p>Guidance is provided with regards to:</p> <ul style="list-style-type: none"> <li>• natural hazards (ie: development of land liable to 1% AEP riverine flooding from Todd River).</li> <li>• Protection of AAPA registered / recorded sacred sites</li> </ul>



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- 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.

Deferral of the application to require submission of updated drawings will ensure:

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

To enable the Development Consent Authority to consider the development application properly, including vehicle access arrangements and impact on the abutting road network, additional information in the form of a Traffic Impact Assessment is considered necessary.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** DAS to prepare letter of deferral

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



Suzanne Philip  
2023.12.15  
08:24:41 +09'30'

**SUZANNE PHILIP**  
Chair

15 December 2023