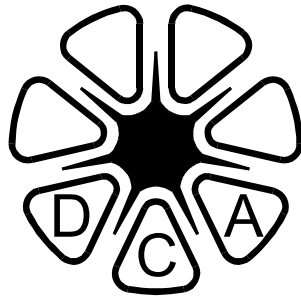




DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING NO. 300 – WEDNESDAY 10 JUNE 2026

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

MEMBERS PRESENT: Suzanne Philip, Chris Neck, Darren Burton and Sean Heenan

APOLOGIES: Matt Cunningham

LEAVE OF ABSENCE: None

OFFICERS PRESENT: Sebit Rambang and Kieran Marsh (Development Assessment Services)

COUNCIL REPRESENTATIVE: Kristine Capangpangan and Prabath Dasanagake

Meeting opened at 10.15 am and closed at 11.45 am

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
PA2018/0224 **VARY CONDITION 3 OF DP18/0256 TO FACILITATE THE CLOSURE OF VEHICLE ACCESS TO HARTLEY STREET, CHANGES TO SITE LAYOUT AND ACCESS TO EXTERNAL AREAS OF THE SITE.**

UNITS 10998, 10999, 11000, 11001 AND 11002 (SUBDIVISION OF LOT 179), (80) HARTLEY STREET, TOWN OF ALICE SPRINGS

APPLICANT **CUNNINGTON ROSSE TOWN PLANNING AND CONSULTING**

Applicant: Brad Cunnington (Cunnington Rosse Town Planning and Consulting) attended via teams, on behalf of Centrecorp Aboriginal Investment Corporation

RESOLVED
19/26 That, pursuant to section 57(3)(a) of the *Planning Act 1999*, the Development Consent Authority approve the application to vary Condition 3 of Development Permit DP18/0256A, to facilitate the closure of vehicle access to Hartley Street, changes to site layout and access to external areas of the site, on land encompassing units 10998, 10999, 11000, 11001 and 11002 of Lot 179 (80) Hartley Street, Town of Alice Springs subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works (including site preparation), amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plans will be endorsed and will then form part of the permit. The plans in Adobe PDF format, drawn to scale with dimensions and generally consistent with the drawings dated 22/05/2018 (Job No. 1808, prepared by Steve Adler Building Design), but modified to show:
 - (a) Locations of proposed electricity and water meters;
 - (b) Ground level private open space (POS) details for each units including proposed surface treatments, fencing arrangements that comply with sub-clause 4 of Clause 7.5 of the NT Planning Scheme, planting and extent of area open to the sky;
 - (c) Proposed landscaping details (clarification on landscaping to be retained, details of species, quantities, surface treatments) for the development, such that the consent authority can be satisfied that the criteria and objectives contained in Clauses 6.12 and 7.7 of the NT Planning Scheme can be met, have regard to the guidance contained within the Alice Springs Heritage Precinct Conservation Management Plan 1994.

CONDITION CLEARED – 17/10/2018

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan 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 plan shall include details of site levels and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system.

CONDITION CLEARED – 17/10/2018

3. Prior to the endorsement of plans and prior to commencement of works, an amended site plan to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the site plan will be endorsed and will then form part of the permit. The site plan must be drawn to scale with dimensions and be generally consistent with the site plan prepared by Steve Adler Building Design and identified as PA2018/0224/A1, including, dimensions, landscaping, schedules, location of utilities, etc., but modified to show:
 - (a) Dimensions showing length and width of two-way driveway. The width of the driveway is to be measured at the laneway entrance, location of the internal sliding gate and from the southern most external wall of the heritage building.
 - (b) Location of utilities (meters and power pole) within the front setback, not otherwise shown on PA2018/0224/A1.
4. Prior to the endorsement of plans, a traffic impact statement is to be prepared by a suitably qualified engineer with attention to the following:
 - (a) provide swept path diagrams for vehicle movement on site;
 - (b) demonstrate that emergency services vehicles can access/service the site and confirmation of 'no objections' from NT Fire Services;
 - (c) confirm residential and commercial waste collection arrangements, to the requirements of Alice Springs Town Council, to the satisfaction of the consent authority.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. Before the use or occupation of the development starts, the area 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 as shown on the endorsed drawings;
 - (d) drained; and
 - (e) line marked (or otherwise suitably delineated) to indicate each car space;to the satisfaction of the consent authority. Car parking spaces, access lanes and driveways must be maintained and kept available for these purposes at all times.

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7. No fence, hedge, tree or other obstruction exceeding a height of 0.6m is to be planted or erected so that it would obscure sight lines at the junction of the driveway and the public street. This condition is to the satisfaction of the consent authority, on advice from the Alice Springs Town Council.
8. Before the use/occupation of the development starts the landscaping works shown on the endorsed plans must be carried out and completed to the satisfaction of the consent authority.
9. The landscaping shown on the endorsed plans must be maintained to the satisfaction of the consent authority, including that any dead, diseased or damaged plants are to be replaced.
10. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage and electricity facilities and telecommunication networks to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
11. 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.
12. 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.
13. All substation, fire booster and water meter arrangements are to be appropriately screened to soften the visual impact of such infrastructure on the streetscape, to ensure that the infrastructure is sympathetic to and blends in with the design of the building. Details will need to be resolved to the satisfaction of the consent authority in consultation with the Power and Water Corporation, and NT Fire and Emergency Services.
14. Prior to the use/occupation of the development and connection of services (i.e. power and water), the owner of the land must apply for unit/street addressing from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the doors and meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the Planning Act) for each stage of the development will not be able to be granted until such time as addressing is obtained.
15. Confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) from a suitable qualified professional (being the Licensed Surveyor in most instances) confirming that all new UTS number labels have been correctly installed at the Customer's Metering Panel(s) and water meters (where applicable). Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au.

16. All proposed works impacting on Hartley Street and the rear laneway are to be designed, supervised and certified on completion by a practicing and registered civil engineer, and shall be in accordance with the standards and specifications of the Alice Springs Town Council. Drawings must be submitted to the Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
17. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
18. Storage for waste disposal bins is to be provided to the requirements of Alice Springs Town Council to the satisfaction of the consent authority.
19. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the , the Alice Springs Town Council (Hartley Street and rear laneway), to the satisfaction of the consent authority.
20. Stormwater is to be collected and discharged into the drainage network to the technical standards of and at no cost to the Alice Springs Town Council (Hartley Street and rear laneway) to the satisfaction of the consent authority.
21. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
22. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
23. Pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the title of Lot 179, Town of Alice Springs to include the following advice. The Caution Notice is to state that: "parts of this site are liable to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement on the parcel shall be provided to the satisfaction of the consent authority.

NOTES

1. This development permit does not grant "building approval" for the proposed structure. The Building Code of Australia requires that certain structures within 900mm of a boundary meets minimum fire resistance level requirements and you are advised to contact a registered private Building

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Certifier to ensure that you have attained all necessary approvals before commencing demolition or construction works.

2. The permit holder is advised that it is an offence to carry out work on, disturb or destroy declared places without consent under the Heritage Act. The land owner/developer should contact the Heritage Branch of the Department of Tourism and Culture to ascertain requirements of the Heritage Act prior to commencing any demolition or construction works.
3. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work within the road reserves (Hartley Street and rear laneway).
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@powerwater.com.au) and Power Network Engineering Section (powerconnections@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
6. The Northern Territory Environment Protection Authority 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.
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act must be notified to NT Build by lodgement of the required Project Notification Form. Payment of any levy must be made prior to the commencement of any construction activity. NT Build should be contacted via email (info@ntbuild.com.au) or by phone on 08 89364070 to determine if the proposed works are subject to the Act.
8. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the development is available from Department of Environment, Parks and Water Security.
9. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 89955362 (surveylandrecords@nt.gov.au)
10. The development and use hereby permitted should be designed, constructed, registered and operate in accordance with the NT Public

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Health Act and Regulations, the NT Food Act and National Food Safety Standards.

11. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
12. 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/newdevelopments/builders-designers.html>
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.
 - (c) The consent authority may extend the periods referred to if a request is made in writing before the permit expires.

REASONS FOR THE DECISION

1. The proposal seeks consent to vary Condition 3 of Development Permit DP18/0256A, to facilitate changes to site layout and access to external areas of the site and revert to similar site plan approved through DP18/0256, namely the deletion of the Hartley Street vehicle access and, in addition, minor changes, not considered measurable.

Brad Cunnington (the applicant) of Cunnington Rosse Town Planning and Consulting attended the meeting via Teams on behalf of Centrecorp Aboriginal Investment Corporation and outlined the proposed variation.

The Development Consent Authority (the Authority) noted the application for a variation, being a protracted matter, given that the proposed works are mostly complete, albeit the Hartley Street car park line-marking and removal of the crossover.

In response, the applicant advised that the changes to the site layout and car parking arrangements coincided with a general refurbishment of the site and of the heritage listed AS3 BCG Burnett house, including the closure of the internal driveway accessed from Hartley Street, and the reinstatement of landscaping and heritage fencing to the primary frontage. Works relating to the Burnett house were approved through the Heritage Council on 4 October 2024, following the closure of the Chinese restaurant. Mr Cunnington

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acknowledged that planning approval had not been sought at the time of heritage approval, however there was correspondence with Alice Springs Town Council regarding the reallocation of a car parking space in front of the crossover and subsequent kerb alignment.

Mr Cunningham noted that the main driver for changes on site were to reinstate heritage components, which would be consistent with lots 174, 173, 180, 182 and 183 where there is a reliance on rear access to on-site parking for heritage places, and which maintains continuous front fencing and landscaping to the Hartley Street frontage.

Mr Cunningham reiterated that the intention of this variation application was to revert to the originally approved site layout through DP18/0256. Having regard to this, Mr Cunningham, drew attention to the fact that that DP18/0256A approved one way access from Hartley Street and still required the rear of the lot for egress of all vehicles from site, given that there was not sufficient space to support two-way access in accordance with the requirements of the NT Planning Scheme.

Mr Cunningham acknowledged Council's concerns regarding the site's primary reliance on rear lane access and egress, and the disruption that may occur in the event of laneway closure for maintenance or servicing works. In addition, concerns relating to emergency vehicle access and manoeuvrability within the laneway.

The Authority highlighted the substantial residential use at the rear of the site, noting that the intensity of residential use was observed as being more than other lots along Hartley Street. Considering this, Mr Cunningham was asked whether any work had been undertaken, or confirmation provided from NT Fire and Emergency Services that access arrangements to the site were adequate for large service vehicles, in the case of an emergency. Similarly, the Authority queried the waste collection arrangements for the site.

The Authority also questioned the functionality of two proposed car parking spaces adjacent to the heritage building, noting insufficient space to the front of the site for vehicle manoeuvrability. Mr Cunningham advised that vehicles would rely on the loading bay to the rear of the heritage building to reverse and exit the site in a forward gear.

Alice Springs Town Council representatives attended the meeting and reaffirmed their objection to the closure of the Hartley Street crossover, however, the recommendation made to the Authority was also noted.

To address vehicle access arrangements and manoeuvrability, the Authority recommended the inclusion of a Condition Precedent, requiring the applicant to provide a Traffic Impact Statement prepared by a suitably qualified engineer.

While Mr Cunningham did not consider that, from a planning and operational perspective, the proposed variation would attract any further issues beyond

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what was pre-existing, he accepted the proposition of a condition precedent addressing Alice Springs Town Council and Authority concerns.

2. Pursuant to section 57(3) of the *Planning Act 1999* the consent authority must only vary a condition of a development permit if:
 - (a) the proposed variation will not materially affect the amenity of adjoining or nearby land or premises; and
 - (b) the variation does not authorise a substantive change to the development approved by the development permit.

For subsection (3)(b), a substantive change is:

- (a) a change that increases non-compliance with a measurable aspect of the development permit by more than 5% or
- (b) a variation that materially changes the character of the development approved by the development permit, if the change is not conveniently measurable.

Notwithstanding the inclusion of a condition precedent to address matters raised at the meeting, the Authority affirm Development Assessment Services (DAS) assessment of the proposal, and do not consider that the proposed variations, increase non-compliance approved through DP18/0256 by more than 5% for the following reasons:

- i. DP18/0256 approved a variation to Clause 6.5.1 (Vehicle Parking) of the 2007 NT Planning Scheme (2007 Scheme), whereby 6 car parking spaces were required 4 were provided, for the use of the restaurant. DP18/0256A increased car parking to the restaurant by providing 2 additional spaces, bringing the proposal into full compliance with Clause 6.5.1. While the proposed amendment would result in the removal of the 2 additional spaces approved through DP18/0256A, it would not reduce the minimum number of car parking spaces approved under DP18/0256.
- ii. Endorsed plans under DP18/0256, approved a concrete/brick paved driveway, contrary to the permit approving a variation to Clause 6.5.3 (Parking Layout) of the 2007 Scheme, allowing for an unsealed driveway, to better align with heritage outcomes. While DP18/0256A did not seek a variation to the surfacing of the driveway, amended endorsed plans approved an 'exposed aggregate concrete driveway.' The proposed variation does not alter the existing surfacing of the driveway, car parking spaces, and loading bay which appear to be concrete.
- iii. DP18/0256 approved a variation to Clause 7.5 (Private Open Space) of the 2007 Scheme. The proposed changes subject of this application does not alter private open space areas to the serviced apartments.
- iv. In addition to the variations approved through the original permit, the following clauses of the NT Planning Scheme 2020 are relevant to this consideration:

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Clause 3.6 (Land Subject to Flooding)

- The proposed changes relate to external features of the site and do not alter compliance with Clause 3.6.

Clause 5.2.4.4 (Layout of car parking areas)

- The proposed car parking layout is generally in accordance with the design approved under DP18/0256 and consistent with the requirements set out under Clause 5.2.4.4, specifically, the development having one point of vehicle access and egress.

Clause 5.5.2 (Commercial Plot Ratio)

- Unit 10998 is subject to commercial plot ratio, however no changes, subject of this variation will alter existing floor area.

Clause 5.5.3 (General Building and Site Design)

- Albeit minor differences, the proposed variation is commensurate with the Hartley Street interface approved under DP18/0256 and complies with the requirements of Clause 5.5.3, specifically, is sympathetic to the character of buildings in the immediate vicinity.

Clause 5.9.1.3 (Active Street Frontages in Alice Springs Town Centre)

- Reinstatement of landscaping to Hartley Street frontage supports active street frontage of the site.

- v. Taken together, the proposed changes are not considered to measurably alter what was permitted through DP18/0256 and DP18/0256A. In addition, that the changes will not materially affect the amenity of adjoining properties and nearby land. Rather, the changes would improve and contribute to the cohesiveness of the heritage streetscape.

The addition of an internal sliding gate and demolition and construction of heritage fencing to Hartley Street frontage is not considered to be conveniently measurable, nor would it materially change the character of the development approved by DP18/0256.

As part of the Condition Precedent covering matters raised at the meeting, it is required that the applicant ensure that all relevant site plan information, unchanged by the current variation is shown, per previously endorsed plans.

3. The DCA notes that although the heritage building fronting Hartley Street is approved for a restaurant, it operates as an office and has done for some time.

It is understood that the Chinese Restaurant (Oriental Gourmet) ceased operation in early 2024 and per S37 of the Act has abandoned existing use rights, whereby a period of more than 12 months has lapsed since it operated. Further, there is no evidence to suggest that the landowner has applied to the Minister to seek an extension to this period.

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The proposed variation, seeks consent for completed works undertaken between 2024 and 2025, following the closure of the restaurant. Changes undertaken within this period largely relate to the reinstatement of internal and external heritage features of the site, in addition, changes to car parking and carparking layout associated with the restaurant. At the time of the works, the land would have still retained existing use rights.

However, this cannot be understood as an exception to the rule, whereby the application and any variation permit that may issue will be dated outside the period of the land holding existing use rights for a restaurant under s33 of the Act.

Further, the changes undertaken to the heritage building are described on the landowner's website, Centrecorp, as a restoration and reinstatement of 1939 features. These works involved the removal of commercial fridges and freezers, commercial kitchen, preparation areas and extraction units and additional bathrooms - all elements that effectively classified the building as a restaurant.

Under Zone TC (Tourist Commercial), 'Office' is *Impact Assessable* and requires planning consent.

It is noted that use of the heritage building as 'Office' will be subject to a separate development application, while the proposal for a variation to DP18/0256A is to 'clean up' unapproved works.

Consequently, a change of use relating to Unit 10998, will be subject to a full assessment under the NT Planning Scheme 2020.

4. As an 'other matter' the Authority noted a potential perceived conflict of interest, as the application for a variation was lodged on behalf of the CEO of Centrecorp Aboriginal Investment Corporation and President of the Heritage Council, Mr Randle Walker. At the meeting the Authority sought clarification on how this potential conflict had been managed. Mr Cunningham advised that, to his understanding, deliberations and decisions relating to heritage works at the site were undertaken without the presence of Mr Walker and rendered responsibility to the Deputy Chair of the Heritage Council.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Variation to Conditions Development Permit

**ITEM 2
PA2026/0136**

SUBDIVISION TO CREATE TWO LOTS

APPLICANT

**LOT 3131 (56) MILNER ROAD, GILLEN, TOWN OF ALICE SPRINGS
TATAM PLANNING CO.**

Applicant: Catriona Tatam (Tatam Planning Co.) attended via Teams and Bevinda Walsh, Jasan Reid and Samuel Brown of RPS Consulting attended in person on

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behalf of the Department of Logistic and Infrastructure and Department of People, Sport and Culture.

Submitters in attendance: No submitters

RESOLVED 20/26

Pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 3131 (56) Milner Road, Gillen, Town of Alice Springs for the purpose of subdivision to create two lots, subject to the following conditions:

CONDITION PRECEDENT

1. Prior to the endorsement of plans and prior to commencement of works, amended plans to the satisfaction of the consent authority must be submitted to and approved by the consent authority; When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and must be generally in accordance with the proposed subdivision site plan (drawing no. B26-5343) prepared by Andrea Rice Architects as shown at the Development Consent Authority meeting on 10 June 2026 but modified to show:
 - (a) Lot A and Lot B with respective sizes and solid boundary line; and
 - (b) Access point(s) arrangement and crossover(s) for proposed Lot A to the satisfaction of the Alice Springs Town Council
2. Prior to the endorsement of plans, confirmation is to be provided from Alice Springs Town Council that the newly created access arrangements are supported in principle, to the satisfaction of the consent authority.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
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 and electricity to the development shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notation 1 for further information.
6. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of Alice Springs Town Council, to the satisfaction of the consent authority.
7. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths;
 - (c) collect stormwater and discharge it to the drainage network; and

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- (d) undertake reinstatement works;
all to the technical requirements of and at no cost to Alice Springs Town Council, to the satisfaction of the consent authority.
- 8. 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

NOTES

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section waterdevelopment@powerwater.com.au) and Power Network Engineering Section (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. A "Permit to Work Within a Road Reserve" is required from Alice Springs Town Council before commencement of any work within the road reserve.
3. For the purposes of best practice land management and environmental protection, it is recommended that:
 - (a) prior to the commencement of works an Erosion and Sediment Control Plan (ESCP) is developed;
 - (b) the ESCP is implemented throughout the construction phase including clearing and early works; and
 - (c) all disturbed soil surfaces are stabilised against erosion at completion of works.Resources regarding erosion and sediment control is available on the IECA website www.austieca.com.au and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Development Coordination Branch: (08) 8999 4446.
4. 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) or by phone on 08 8936 4070 to determine if the proposed works are subject to the Act.
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.

REASONS FOR THE DECISION

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

The application seeks consent to subdivide Lot 3131 (56 Milner Road, Gillen) Town of Alice Springs to create two lots. The proposed lots comprise of the following:

- Lot A – 5.39ha (to facilitate future development for the purpose of multipurpose sports fields and recreation).
- Lot B – 6.19ha (Existing education establishment, Centralian Middle School and Passenger terminal for school bus interchange).

The NT Planning Scheme 2020 applies to the land, and subdivision requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(ii), therefore, the strategic framework (Alice Springs Regional Land Use Plan 2016) and zone purpose and outcomes of Clause 4.22 (Zone CP Community Purpose) of the Planning Scheme need to be considered.

These clauses have been considered, and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020.

2. Pursuant to section 51(1)(j) of the *Planning Act 1999*, the consent authority must take into consideration 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.

Catriona Tatam of Tatam Planning Co. attended the meeting via Teams and presented the application. As part of the presentation, Ms Tatam tabled amended proposed plans that address the issues raised in Development Assessment Services' recommendation report to the Authority, namely showing a solid line of the proposed property boundary, correct labeling lots and removal of references to an unapproved car parking line marking over the passenger terminal site.

Ms Tatam explained that the future use of proposed Lot A is for a sport and recreation comprising of multi-purpose sport fields with ancillary amenities blocks and car parking. Furthermore, Ms Tatam advised that discussions between relevant parties are currently occurring to ensure appropriate arrangements are in place for usage of the sport fields by Centralian Middle School students during school hours and public access after-hours upon an agreed Memorandum of Understanding (MOU). The anticipated MOU is to address car parking concerns raised by Alice Springs Town Council because all the car parking spaces on the school Lot will be made available for public use after school hours.

The Authority agreed to determine the proposal based on the amended drawings tabled at the meeting by the applicant. However, the Authority advised that its determinations are limited to the application before it, being

a subdivision to create two lots and are limited to that matter. The determination of this matter in no way approves the potential land use on proposed Lot A.

The Authority acknowledged land use has operated as a school since the 1960s and the parcel proposed as Lot A is predominantly vacant and underutilised by the school. Proposed Lot A is inclusive of mature native trees which extend along the boundary adjoining Memorial Avenue. Although this assessment does not direct subdivision to retain existing trees, the Authority considers that retention of as much canopy as possible should be incorporated into the design.

The Authority is satisfied that the land can support the creation of two separate lots, noting that there are no minimum lot size requirements for land that is zoned Community Purpose and the strategic framework provides minimal discussion regarding infill subdivision.

3. 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.

The proposed plan (as exhibited) indicates that a sewerage infrastructure extends across proposed Lot A from Flynn Drive which services the main school building. The Authority determined to add a condition to the subsequent permits to register an easement on title as a result of this approval.

The land is connected to reticulated services, and the development is directed to engage the Power and Water Corporation regarding servicing arrangements for the proposed lot(s).

4. Pursuant to section 51(1)(n) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated.

The subdivision is in Zone CP and is not subject to any minimum lot sizes or overlays. The key considerations of this proposal are the Alice Springs Regional Land Use Plan 2016 and the zone purpose and outcomes outlined within Clause 4.22 (CP Community Purpose).

No adverse impacts are anticipated due to the subdivision to create two lots (Lot A (future recreational area) and Lot B (existing school and bus interchange). As under reason number 2, access arrangement for the proposed Lot A and traffic concerns on the local roads are to be addressed to the satisfaction of Alice Spring Town Council prior to endorsement of plans.

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

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The Authority acknowledged that the applicant indicated there was previous advice from Development Assessment Services regarding the proposed use of Lot A for the purpose of Sport and Recreation as defined within Schedule 2 of the Planning Scheme meaning *the use of land for recreation purposes, but does not include such a use which involves commercial transactions, motor sports or activities which, by virtue of the generation of noise or disturbance, will adversely affect the amenity of adjoining land nor does it include leisure and recreation.*

The Authority advised the applicant that it is the decision maker in terms of the NT Planning Scheme land use definitions and therefore, further information and consideration is required to determine if the end use of proposed Lot A is 'sport and recreation' and exempt under Schedule 3 of the Planning Scheme or 'leisure and recreation' which requires consent.

Alice Springs Town Council representatives attended the meeting and reaffirmed their concern regarding potential traffic impact, access arrangements and potential car parking generated by for the ultimate land use on proposed Lot A. The Authority noted the matters raised and determined to add a condition precedent within the development permit which directs the development to seek support in principle from the local council for newly created access arrangements for proposed Lot A as part of Condition Precedent 1(b) request for amended plan of subdivision.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Notice of Consent and Development Permit

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

SUZANNE PHILIP

Chair

25 June 2026