



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 25 – WEDNESDAY 14 OCTOBER 2020

**DOUBLETREE BY HILTON
SPINIFEX ROOM
82 BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Dr Deepika Mathur,
Jamie de Brenni

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Fraser Cormack,
Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:10am and closed at 1:10pm

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 TIMES DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

ITEM 1 **MULTI-STOREY (4 STOREY TO 14.5M ABOVE GROUND) CAR PARK CONTAINING 251 SPACES ASSOCIATED WITH THE ALICE SPRINGS HOSPITAL, WITH VARIATIONS TO CAR PARK LAYOUT**
PA2020/0256 **LOT 4579 (6) GAP ROAD, TOWN OF ALICE SPRINGS**

APPLICANT **ERIN CAMPBELL (FOR GHD PTY LTD)**

DEFERRED AT THE REQUEST OF THE APPLICANT

ITEM 2 **CHANGES TO DEVELOPMENT PERMIT DP18/0163 TO ALLOW THE ADDITION OF THREE (3) CONSULTING ROOMS TO AN EXISTING MEDICAL CLINIC**
PA2020/0278 **LOT 5775 (8) GREGORY TERRACE, TOWN OF ALICE SPRINGS**
APPLICANT **MASTERPLAN NT**

Development Assessment Services tabled a letter (supplied by the applicant) from the Alice Springs Town Council (dated 19 October 2020) referring to proposed upgrading works within Council's verges.

Dr Priyantha Wijesurendra (land owner) attended the meeting and Alex Deutrom (Applicant - MasterPlan NT) attended the meeting via telephone link and spoke further to the application.

Dilip Nellikat (ASTC) attended the meeting.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.2.4.1
0134/20 (Parking Requirements) of the Northern Territory Planning Scheme 2020, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 5775, Unit 3, 8 Gregory Terrace, Town of Alice Springs for the purpose of a changes to Development Permit DP18/0163 to allow the addition of three (3) consulting rooms to an existing medical clinic, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
2. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
3. A landscaping plan (to include screening of the garbage bin/s) to the satisfaction of the consent authority must be submitted to and approved by the consent authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The landscaping details must be generally in accordance with the landscape concept plan (drawing number PA2013/0986/1 that forms part of Development Permit DP14/0085), except that the plan must show:

- (a) screening of the garbage bin storage area on the site with the design objectives of:
 - reducing the visual impact of the garbage bin storage area when viewed from the adjacent road reserves (refer to the Design Guidance for Development in Zone CB in Alice Springs that forms part of the NT Planning Scheme 2020);
 - maintaining the functionality of the existing car parking spaces and associated access; and
 - not obstructing natural surveillance of common space areas;
 - (b) retention of the existing trees/shrubs on the Gregory Terrace frontage of the site;
 - (c) new planting to the Bath Street and Gregory Terrace frontages with species designed to lessen the visual impact of the car parking area; and
 - (d) provision of an in ground irrigation system to all landscaped areas.
- All species selected must be to the satisfaction of the consent authority.
4. 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.
 5. 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.

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. 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 89364070 to determine if the proposed works are subject to the Act.
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.
4. 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.
5. 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.

REASONS FOR THE RECOMMENDATION

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 and medical clinic requires consent under Clause 1.8 (When development consent is required). The expansion of the medical clinic (approved by Development Permit DP18/0163) is identified as Merit Assessable under:

- Sub-clause 2 of Clause 5.5.4; and
- Clause 1.8(1)(b);

and therefore the strategic framework (Part 2 of the Scheme), including Alice Springs Regional Land Use Plan and Central Alice Springs Area Plan, zone purpose and outcomes of Clause 4.10 (Zone CB – Central Business), and

- Clause 5.2.2 (Building Heights in Alice Springs);
- Clause 5.2.4 (Vehicle Parking);
- Clause 5.2.6 (Landscaping);
- Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T);

need to be considered.

These clauses have been considered in the context of section 51(3) of the *Planning Act 1999* and it is found that the proposal complies with the relevant requirements of the NT Planning Scheme 2020 except for Clause 5.2.4.1 (Parking Requirements).

Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), sub-clause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 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(3) or 1.10(4).

The proposal has been found not to be in accordance with Clause 5.2.4.1 (Parking Requirements), because the proposal will result in a technical shortfall of 3 car parking spaces resulting from the change of use of part of a building previously approved as a “shop” to additional consulting rooms for a “medical clinic”.

It is considered that a variation to this clause is appropriate in this instance because:

- (a) A reduction of the car parking requirements specified by Clause 5.2.4.1 (Parking Requirements) of the NT Planning Scheme 2020 is supported under Clause 5.2.4.2 (Reduction in Parking Requirements Outside of Zone CB in Darwin) in recognition of:

- The existing development of Lot 5775 for the purposes of offices, shops, medical clinic and a 24hr gym have been approved through Development Permits:
 - DV4669 (approved 34 parking spaces instead of 92 spaces);
 - DP14/0085 (approved a waiver of 15 spaces); and
 - DP18/0163;

- It is physically impossible to provide any additional functional car parking bays on the site;
 - Availability of on street car parking spaces within Bath Street and Gregory Terrace and public transport services within the vicinity of the site;
 - Likelihood of cross utilisation of car parking spaces by those working and shopping in the locality;
 - The medical clinic use of Units 3 and 7 incorporates bicycle parking within the floor layout;
 - The proposed change of use of ~151m² of net floor area previously approved as a “shop” and “office” to a “medical clinic” will increase the technical/calculated parking demand for the site by 3 spaces; and
 - The land use is consistent with the primary purpose of Zone CB and would otherwise be permitted without consent (by virtue of Clause 5.5.4 of the NTPS2020) if it complied with Clause 5.2.4.1 of the Scheme.
- (b) The considerations listed under Clause 1.10(3)(b)&(d) of the NT Planning Scheme 2020 do not apply to this application because, having regard to section 51(3) of the *Planning Act 1999* the application became *Merit Assessable* under Clause 1.8(1)(b)(ii)(2), and under Clause 1.10(2), the consent authority only must consider the requirements in Part 5 that are not complied with for such applications.
- (c) Pursuant to sub-clause 6 of Clause 1.10 of the NT Planning Scheme 2020, 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.

The requirement for an updated landscaping plan and improvement to garbage bin screening arrangement on the site will, once works are completed:

- Will assist in improving the visual amenity of the site and is achieving the purpose and requirements of Clause 5.2.2.3 of the NT Planning Scheme 2020; and
 - Is consistent with Condition 1 of Instrument of Determination DV4669 issued in relation to the site;
2. Pursuant to section 70(4) of the *Planning Act 1999*, the Development Consent Authority, having considered the relevant criteria under Clause 5.2.4.2 (Reduction in Parking Requirements Outside of Zone CB in Darwin) of the NT Planning Scheme 2020 and recognising the lawfully established existing use of the subject units as a shop/office and most recently (by DP18/0163) a medical clinic, considers it appropriate to grant the requested variation to Clause 5.2.4.1 (Parking Requirements) of the NT Planning Scheme 2020. Accordingly, the Development Consent Authority does not require a car parking levy to be paid to Alice Springs Town Council and pursuant to section 70(3) of the *Planning Act 1999* reduces the car parking requirement.
3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account any submissions made under section 49, and any evidence or information received under section 50, in relation to the development application. The matters raised in the local authority comments from the Alice Springs Town Council have been noted by the consent authority including advice tabled in regards an agreement

between the proponents and Council in relation to verge improvements to adjoining local roads.

4. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. The advisory notes and conditions of approval are intended to assist in ensuring service authority interests are duly recognised in terms of works within and affecting the road reserves, electricity, sewerage and water services that apply to the change of use and associated works to part of the building.
5. Pursuant to section 51(1)(p) of the *Planning Act 1999*, in considering a development application, the consent authority is required to take into account the public interest. The proposed development is considered to be in the public interest as it will expand the services offered by establish a medical clinic (doctor and dentist) in a conveniently accessible location and a net community benefit will result from the proposal.
6. The application was publicly exhibited in accordance with the *Planning Act 1999* and *Planning Regulations 2000*. No public submissions were received.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Development Assessment Services to prepare development permit and notice of consent

**ITEM 3 31.4M HIGH TELECOMMUNICATIONS FACILITY WITH ASSOCIATED
ANTENNAS AND EQUIPMENT SHELTER
PA2020/0222 LOT 7754 (136) GREATOREX ROAD, SUBURB OF ILPARPA**

APPLICANT PLANNING SOLUTIONS (AUST) PTY LTD

Rafael Sterk (Project Specialist, Program Delivery SANT / Network Infrastructure Management, Telstra) attended the meeting and spoke further to the application.

Submitters Craig Eibeck, Tina Brown, Robyn Cadzow, Thalia Byrnes, Grant Byrnes, David Smylie, Erin Cassidy, Brynnessa & Mark Schild, Aileen Kennedy, Allan Campbell, Chris Tangey, Anna Huigen, John Huigen, Vicki Crowley, Sandra & Barry Taylor and Rod Cramer attended the meeting.

Submitters Sandra Taylor, Chris Tangey, Mark Schilds, Grant Byrnes, Craig Eibeck, Alan Campbell, Robyn Cadzow, Vickey Crowley, John Huigen, Tina Brown spoke further to their submissions.

Craig Eibeck, Barry Taylor and Sandra Taylor tabled further documents / photos to their submission.

Apologies were received from Mark Rucioch, Sandra Ferguson, Josie & Dan Hodgins, Angela Probin and Jim Sligar who could not attend the meeting.

Dilip Nellikat (ASTC) attended the meeting.

**RESOLVED
0135/20**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defers consideration of the application to develop Lot 7754 (136) Greatorex Road, Suburb of Ilparpa, Town of Alice Springs for the purpose of a 31.4m high telecommunications facility (including a 30.5m high monopole with antennae atop and a single storey equipment shelter and fenced compound) to require the applicant to provide the following additional information and documentation that it considers necessary in order to enable the proper consideration of the application:

1. A updated and detailed feasibility assessment of at least three sites for the establishment of the telecommunications facility and the rationale for the preferred site (refer to requirements of sub-clauses 2 & 3 of Clause 5.8.10 of the NT Planning Scheme 2020), noting that:
 - a) documentation provided by the applicant in the application (as publicly exhibited), including additional documentation submitted prior to the consent authority hearing on 14 October 2020; and
 - b) verbal submissions and presentation by Telstra's representative at the hearing;suggest that in view of Telstra's minimum technical requirements for the proposed facility, none of the co-location sites considered in the application are technically plausible, the consent authority requires that sites assessed be technically plausible options.
2. Additional information and amended plans demonstrating how the amenity impacts of the proposal have been minimised, noting:
 - a) the requirements of sub-clauses 2, 4 & 5 of Clause 5.8.10 respectively;
 - b) that the consent authority does not consider the proposed siting to be sensitive to the amenity of occupants of adjoining Lot 7753, (124) Greatorex Road; and
 - c) the proposed design and location of the facility does not allow for any on-site landscaping/planting between the eastern side boundary of the property and the facility.
3. Additional photomontages or similar from other locations in the locality, prepared with a view to better illustrating the likely visual impact of the proposed monopole and facility on views towards the site (including for example from:
 - a) Ilparpa Road to the eastern and western sides of the Ilparpa subdivision area;
 - b) the commonage area (to the north of the site) looking towards the Ilparpa subdivision area); and
 - c) the foothills to the south of the site looking towards the site);noting that the monopole would be significantly higher than any other structure in the locality and may be expected to be visually prominent from much of the surrounding area.
4. Additional documentation:
 - a) addressing how the proposed development meets the requirements of sub-clause 7 of Clause 4.7 of the Zone Outcomes for Zone RL (Rural Living) of NT Planning Scheme 2020 (NTPS 2020), which requires that "*The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development*";
 - b) prepared with a view to demonstrating that:
 - i. the proposed development is unlikely to frustrate the purpose of Clause 5.8.10 (Telecommunications Facility) of NTPS 2020, which is to "*Ensure the development of a telecommunications facility does not unreasonably detract from the amenity of a locality*"; and
 - ii. the telecommunications facility is unlikely to unduly impact on the amenity of locality and neighbouring properties.

Further, noting that:

- the Department of Infrastructure, Planning and Logistics (DIPL) has advised that it ‘does not have a position or preference on whether telecommunications infrastructure is best placed on Crown land or private land in any location’;
 - the applicant has previously dismissed the possibility of siting the facility on Crown land on an apparently misplaced premise; and
 - there is Crown land immediately abutting the ‘Ilparpa subdivision’;
- the applicant is encouraged to (further) consider the option of siting the facility on Crown land.

A deferral response may be directed to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, by email: das.ntg@nt.gov.au, for attention Alice Springs Branch.

REASONS

1. An amendment to the *Planning Act 1999* came into effect on 31 July 2020. The amendments include transitional provisions in section 214(1) of the Act which state that any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (a) in accordance with this *Act* applicable at the time the determination is made; and
 - (b) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being lodged, the Northern Territory Planning Scheme 2007 (NTPS 2007) was repealed and the Northern Territory Planning Scheme 2020 (NTPS 2020) took effect on 31 July 2020. It is noted that at the time the application was submitted, the NTPS 2007 was in effect, and was addressed by the applicant in the Statement of Effect. The application also addressed the (then) draft NTPS 2020, as publicly exhibited. Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of section 51 of the *Planning Act 1999*, the application is required to be assessed against NTPS 2020. Assessment of the application as exhibited was undertaken by Development Assessment Services (DAS) having regard to the applicant’s Statement of Effect and how it related to the current provisions of NTPS 2020 and amended Act.

The Development Consent Authority (the consent authority) having considered:

- the application (as exhibited) and additional information provided by the applicant on 5 October 2020 (including applicants’ response to public submissions);
- submissions by the applicant and public submitters, in relation to the application;
- the report prepared by DAS DIPL in relation to the application; and the requirements of the NTPS 2020 and the *Planning Act 1999* (as amended at 31 July 2020); and
- submissions by the applicant and submitters at the hearing of the application on 14 October 2020;

decided to defer further consideration of the application, as it was not satisfied that the application properly addressed the requirements of Clause 5.8.10. of NTPS 2020 or clearly demonstrated the suitability of the proposal in terms of the NTPS 2020 and the *Planning Act 1999*, and, in particular:

- how the development meets the requirements of Clause 4.7.7 of the Zone Outcomes for Zone RL;
- that the proposed development is unlikely to frustrate the purpose of clause 5.8.10 (Telecommunications Facility) of NTPS 2020, which is to “Ensure the

development of a telecommunications facility does not unreasonably detract from the amenity of a locality”; and

- that the telecommunications facility is unlikely to unduly impact on the amenity of the locality and neighbouring properties.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: Development Assessment Services to prepare letter of deferral

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

SUZANNE PHILIP

Chair

20 October 2020