



## **DEVELOPMENT CONSENT AUTHORITY**

### **ALICE SPRINGS DIVISION**

### **MINUTES**

**MEETING NO. 285 – WEDNESDAY 10 JULY 2024**

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

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

**APOLOGIES:** Nil

**LEAVE OF ABSENCE:** Nil

**OFFICERS PRESENT:** Chay Garde, Kieran Marsh and Perlie Clarke (Development Assessment Services)

**COUNCIL REPRESENTATIVE:** Kristine Capangpangan

**Meeting opened at 10.45 am and closed at 11.30 am**

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THE MINUTES RECORD OF THE EVIDENTIARY STAGE AND THE DELIBERATIVE STAGE ARE RECORDED SEPARATELY. THESE MINUTES RECORD THE DELIBERATIVE STAGE. THE TWO STAGES ARE GENERALLY HELD AT DIFFERENT TIME DURING THE MEETING AND INVITEES ARE PRESENT FOR THE EVIDENTIARY STAGE ONLY.

### ITEM 1

PA2023/0409

### SUBDIVISION TO CREATE 2 LOTS

LOT 10988 (325) ROSS HIGHWAY, ROSS, TOWN OF ALICE SPRINGS

### APPLICANT

Low Ecological Services Pty Ltd

Attended in person: Applicant Bill Low (Low Ecological Services Pty Ltd) and Pam Hooper (landowner).

Attended via telephone: Mac Moyses (Low Ecological Services Pty Ltd).

### RESOLVED 20/24

That, the Development Consent Authority vary the requirements of Clause 6.3.3 (Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act 1999*, consent to the application to develop Lot 10988 (325) Ross Highway, Ross, Town of Alice Springs for the purpose of subdivision to create two lots, subject to the following conditions:

### GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing 2023/0409/01 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 and electricity to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time. Please refer to notations 2 for further information.
3. All 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 approved by the Surveyor General.
4. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Transport and Civil Services Division of the Department of Infrastructure Planning and Logistics to the satisfaction of the consent authority. The crossover will need to be constructed in accordance with one of the two crossover designs outlined CS-3005 "Rural Residential Property Access".
5. Stormwater is to be collected and discharged in to the drainage network to the technical standards of and no cost to the Transport Civil Services Division of the Department of Infrastructure Planning and Logistics, to the satisfaction of the consent authority.
6. All proposed works impacting on Ross Highway are to be designed, supervised and certified on completion by a practicing and registered civil

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engineer, and shall be in accordance with the standards and specifications of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics). Drawings must be submitted to the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".

7. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website [www.austieca.com.au](http://www.austieca.com.au) and the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

### NOTES

1. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment, Parks and Water Security ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 8999 4446.
2. The Power and Water Corporation advises that the Water and Sewer Services Development Section ([waterdevelopment@powerwater.com.au](mailto:waterdevelopment@powerwater.com.au)) and Power Network Engineering Section ([powerdevelopment@powerwater.com.au](mailto:powerdevelopment@powerwater.com.au)) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
3. A 'Permit to Work within a Road Reserve' is required from Transport Civil Services Division of the Department of Infrastructure, Planning and Logistics respectively, as relevant, before commencement of any work within a road reserve.
4. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records [surveylandrecords@nt.gov.au](mailto:surveylandrecords@nt.gov.au) 08 8995 5354.
5. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that

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are reasonable and practicable to prevent or minimise pollution or environmental harm and reduce the amount of waste. The proponent is required to comply at all times with the Act, including the General Environmental Duty under Section 12 of the Act. There is also a requirement to obtain an authorisation prior to conducting any of the activities listed in Schedule 2 of the Act. Guidelines to assist proponents to avoid environmental impacts are available on the Northern Territory Environment Protection Authority website at <http://ntepa.ntg.gov.au/waste-pollution/guidelines/guidelines>.

6. There are statutory obligations under the *Weeds Management Act 2001* to take all practical measures to manage weeds on the property. For advice on weed management please contact the Department of Environment Parks and Water Security.
7. The subject site is located within the Alice Springs Erosion Hazard Area as declared under the *Soil Conservation and Land Utilisation Act 1969*. The landholder must not undertake activities that will cause or exacerbate erosion associated with wind or water and must manage groundcover to ensure effective dust control. For further information, contact the Land Development Branch: (08) 8999 4446.
8. A groundwater extraction licence may be required under the *Water Act 1992* for any bore used for purposes other than rural stock and domestic water supply. For advice on water extraction licences please contact the Water Licensing and Regulation Branch of the Department of Environment Parks and Water Security.
9. 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 NT Planning Scheme 2020 applies to the land and subdivision to create two lots 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 Alice Springs Regional Land Use Plan Clause 3.6 Land Subject to Flooding, Clause 4.7 Zone Rural Living and Clause 6.3.2 Lot Size and Configurations for Subdivision in Zones RL, R, AND H and Unzoned Land, Clause 6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land and Clause 6.3.4 Infrastructure for Subdivision in Zones RL, R and Unzoned Land need to be considered.

These clauses have been considered and it is found that the proposal complies with the relevant requirements of the Planning Scheme except for

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sub clause (4) of Clause 6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 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).

### Clause 6.3.3 Site Characteristics for Subdivision for Lots of 1ha or Greater in Zones RR, RL, R and H, and Unzoned Land

The proposed subdivision does not comply with sub clause (4) of Clause 6.3.3 because each lot is subject to flooding in a 1% AEP event. Access via Ross Highway is not unconstrained because the creation of driveways will lead from the newly created crossover through flood liable land towards the northern parcel of each lot which can accommodate additional residential development for the newly proposed lot.

Sub clause (3) of Clause 6.3.3 states that the consent authority may consent to an application that is not in accordance with sub-clauses 4-7 if the application includes preliminary land assessment and stormwater management plans prepared by the applicant and approved by the relevant government agency and or service authority, demonstrating that 1ha of land per lot and all internal roads are unconstrained by localised stormwater flooding and by those issues addressed in the NT Land Suitability Guidelines.

A variation is supported to sub clause (4) because;

- The application was referred to Transport and Civil Services within DIPL (as the controlling agency for the Ross Highway road reserve). Transport and Civil Services advised that they had no objections in principle with regards to unconstrained access or drainage on this particular site. However, their support is conditional on satisfying several requirements through general conditions they agency have requested. The agency advised that a crossover is to be constructed in accordance with one of the two crossover designs outlined in CS-3005 (Rural Residential Property Access) as a means of constructing the most adequate form of infrastructure which is an appropriate civil design for addressing the extent of the LSF overlay at this site
- The internal road will be a private driveway and is not subject to design guidelines apart from the addition of a new crossover.
- Standard conditions relating to vehicle crossovers and sightlines can be included on the permit to ensure this civil construction of the crossover is compliant.

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- Ross Highway was widened in 2001 and as a result it is unlikely that any adverse impacts relative to sightlines or ingress/egress will arise as a result of this subdivision.
  - The consent authority is satisfied that the construction of a crossover in accordance with one of the two crossover designs outlined in CS-3005 Rural Residential Property Access will alleviate concerns related to unconstrained access at this particular site. General Conditions will ensure that clearance will need to be obtained from the Transport and Civil Services Division prior to a Part 5 subdivision clearance being obtained from the consent authority.
3. 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.

The land is capable for the subdivision to create two lots. Each proposed lot provides a compliant area of unconstrained land and distance between existing bores. The subdivision can be supported through connection to existing water and power arrangements but future development will be subject to a site and soil evaluation to ensure an appropriate wastewater management system can be installed on the land.

It is noted that the Department of Environment, Parks and Water Security's Land Assessment Unit had initially raised concerns regarding the application's claims that the land did not result in drainage issues as it had not been field verified (a requirement of the Northern Territory Land Suitability Guidelines). However, the applicant provided additional information following a site analysis to which the Unit responded, indicating that it was now satisfied that the lots are not subject to drainage issues as outlined within Clause 6.3.2 Lot Size and Configurations for Subdivision in Zones RL, R and H and Unzoned Land of the Northern Territory Planning Scheme 2020.

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 proposed lots are not considered to provide any adverse impact towards the amenity of the area. Both lots are inclusive of area that is subject to inundation in a 1% Annual Exceedance Probability Defined Flood event. However it is considered that the proposed subdivision complies with requirements outlined within Clause 3.6 Land Subject to Flooding of the Northern Territory Planning Scheme 2020.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

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

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**ITEM 2** RECONSIDERATION - TELECOMMUNICATIONS FACILITY WITH A 31.3M  
**PA2023/0310** HIGH MONOPOLE AND ASSOCIATED ANTENNAS AND EQUIPMENT  
SHELTER  
LOT 5782 (110) BARRETT DRIVE AND LOT 8120 (56) CROMWELL DRIVE,  
DESERT SPRINGS, TOWN OF ALICE SPRINGS  
**APPLICANT** Amplitel Pty Ltd

Pursuant to section 97 of the *Planning Act 1999*, Matt Paterson, Community Member of the Alice Springs Division of the Development Consent Authority disclosed an interest.

Pursuant to section 97(5) of the *Planning Act 1999*, the Chair determined that Matt Paterson's interest or relationship was not significant or relevant and Matt Paterson was permitted to form part of the quorum and participate in the determination of this item.

Pursuant to section 97 of the *Planning Act 1999*, Chris Neck, a Specialist Members of the Alice Springs Division of the Development Consent Authority disclosed an interest.

Pursuant to section 97(5) of the *Planning Act 1999*, the Chair determined that Chris Neck's interest or relationship was not significant or relevant and Chris Neck was permitted to form part of the quorum and participate in the determination of this item.

The Chair noted that Ben Taylor, Senior Planner at DAS within the Department of Infrastructure Planning and Logistics in Alice Springs is a relative of one of the submitters to this application. Mr Taylor played no role and did not participate in any manner in the Authority's consideration or determination of this matter.

Attended via videolink: Applicant Mark Baade (Amplitel Pty Ltd).

**RESOLVED**  
**21/24**

That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the Development Consent Authority defer consideration and determination of the application to develop Lot 5782 (110) Barrett Drive and Lot 8120 (56) Cromwell Drive, Town of Alice Springs for the purpose of Telecommunications facility with a 31.3m 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. Confirmation that a sub-lease has been issued by Crown Land Estate for the telecommunications facility.
2. Confirmation that the telecommunications facility does not require a formalised access agreement from Crown Land Estate or alternatively provision of a formalised access agreement from Crown Land Estate.
3. Amended drawings showing one additional car parking space.

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That, pursuant to section 86(1) of the *Planning Act 1999*, the Development Consent Authority delegate to the Chair or in the Chair's absence or inability to act any one of the other members of the Division, the power under section 53 of the *Planning Act 1999*, to determine the application to develop Lot 5782 (110) Barrett Drive and Lot 8120 (56) Cromwell Drive, Town of Alice Springs for the purpose of Telecommunications facility with a 31.3m high monopole and associated antennas and equipment shelter subject to:

**RESOLVED  
22/24**

1. Resolution 21/24 requirements being met to the satisfaction of the consent authority (with no substantive changes to the material for PA2023/0310 that was publicly exhibited); and
2. No adverse comments received within 14 days of deferral notification letters being sent to the two adjoining Tourist Commercial lots 5787 and 5790 containing the DoubleTree by Hilton Alice Springs & Desert Palms hotels, in relation to the change of location of the telecommunications facility on the site.

### REASONS FOR THE DECISION

The purpose of Clause 5.8.10 is to ensure the development of a telecommunications facility does not unreasonably detract from the amenity of a locality whilst facilitating the provision of telecommunications infrastructure to meet community expectations and needs.

The Development Consent Authority raised concerns with regards to the requirements of Clause 5.8.10, in particular sub clause (5) which requires an application to address appropriate minimisation of the amenity impacts of the proposal. The authority noted how the change in location results in the telecommunications facility being located in closer proximity to adjoining residential areas however this was not considered to be significant enough of a change to warrant full re-exhibition. The authority further noted that the change in location on the site is considerably closer to the hotels on Tourist Commercial lots 5787 and 5790 and that the DCA will provide landowners of the two hotel properties with notice of this deferral decision and an additional 14 day notification period for comment.

The Development Consent Authority have not been provided with any documented evidence regarding the formalised access requirements. As a result, the authority requests that written confirmation is to be provided from the applicant from Crown Land Estate confirming the need for formalised access or not.

The Development Consent Authority is aware that the potential lease agreement negotiation between the applicant and Crown Land Estate is ongoing, however it is clear that no consent can be granted until such written confirmation is provided confirming legal use of the land for the provision of a telecommunication facility.

The Development Consent Authority is satisfied that the change in location no longer impacts the restricted works boundary and that the Aboriginal Areas



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Protection Authority has been notified of the change in location. It is understood that the developments alternative location is in accordance with Authority Certificate C2023/089.

The amended plans identify the location of one allocated car parking space and it is considered as per the Northern Territory Planning Scheme 2020 definition that the proposal does not require the need of a car parking area unless the proposal requires an area set aside or designated for the parking of three or more motor vehicles.

The Development Consent Authority concluded that the proposed telecommunications facility is subject to the requirements of Clause 5.2.6.1 'Landscaping in Zones other than Zone CB' however a complete variation is supported as additional landscaping is not considered beneficial for amenity because concerns have been related to the height and location of the proposal. The Development Consent Authority also considered that because the facility will be located within a golf course, that landscaping at the ground level will not benefit any adjoining land and potentially remain underutilised raising concerns about the feasibility of providing landscaping.

**FOR: 5**

**AGAINST: 0**

**ABSTAIN: 0**

**ACTION:** Notice of Deferral

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

**SUZANNE PHILIP**

Chair

19 July 2024