



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

AMENDED MINUTES

MEETING No. 261 – WEDNESDAY 9 DECEMBER 2020

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

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

APOLOGIES: Nil

OFFICERS PRESENT: Peter Somerville, Benjamin Taylor, Julie Driver, Jennie Ryan

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:25 am and closed at 1:15pm

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

DESCRIPTION OF AMENDMENTS TO MINUTES FOR DCAASP MEETING No. 261 OF 9 DECEMBER 2020 SIGNED ON 15 DECEMBER 2020

Audio Recording of Hearing

It has been identified subsequent to the meeting on 9 December 2020, that as a result of a technical failure with the recording equipment, there is no audio recording of the public hearing for:

- part of the hearing of Item 2; or
- any of the hearing of Item 3.

Changes to Item 3 Minutes

1. It has been identified that as a result of administrative oversight:
 - a) Peter Mifsud, an attendee at the hearing of Item 3 was incorrectly identified in the Minutes signed 15 December 2020 as a submitter (in terms of s49) of the *Planning Act 1999* in relation to the application; and
 - b) the email and photo image from Rod Cramer provided to the Development Consent Authority by the Development Assessment Services (DAS) Branch of the Department of Infrastructure Planning and Logistics prior to the hearing was incorrectly identified in the Minutes signed 15 December 2020 as having been tabled by Rod Cramer in relation to the application. It is noted that a copy of the photo image was projected on the screen at the hearing by DAS at the time that Rod Cramer spoke to his submission.
2. The hearing summary for Item 3 is amended in accordance with these Minutes to address the errors identified at 1a) and 1b) above.
3. These amended Minutes do not alter any part of any Resolution contained within the Minutes.

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, SUBURB OF THE GAP, TOWN OF ALICE SPRINGS
APPLICANT GHD PTY LTD

Don Boynton (Applicant - GHD Pty Ltd), Karl Micek (Dept of Infrastructure, Planning & Logistics) and Ty Mark (Department of Health) attended the meeting and spoke further to the application.

RESOLVED That, the Development Consent Authority vary the requirements of Clause
0162/20 5.2.4.4 (Parking Layout) of the NT Planning Scheme 2020, and pursuant to
 section 53(b) of the *Planning Act 1999*, alter the proposed development and
 consent to the proposed development as altered to develop Lot 4579, 6 Gap
 Road, Suburb of The Gap, Town of Alice Springs for the purpose of a multi-
 storey (4 storey to 14.5m above ground level) car park containing 251 spaces
 ancillary to the Alice Springs Hospital, subject to the following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans and prior to the commencement of works (including site preparation), a traffic impact assessment report is to be prepared by a suitably qualified traffic engineer with attention to the modelling of the adjacent road reserve of Gap Road (service lane, verges and main carriageway), and identifying any necessary upgrades to the

road reserve(s) to the requirements of the Alice Springs Town Council, to the satisfaction of the consent authority.

2. 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 must be drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but modified to show:
 - (a) Improved design interface and associated façade treatment of the car park building as viewed from the road reserves / public places. Façade treatments/materials to the car park exterior should be aesthetically pleasing and add variety and interest when viewed from street level whilst allowing passive surveillance of public spaces; and
 - (b) updated landscaping plans that show:
 - (i) any design changes necessary to comply with *Heritage Act 2011* requirements (for the works being undertaken within the part of the site that is a declared heritage place); and
 - (ii) an in ground irrigation system installed to all landscaping (planted areas) associated with works approved by this permit.

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. Before the use or occupation of the development starts, the area(s) set-aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:
 - (a) constructed;
 - (b) properly formed to such levels that they can be used in accordance with the plans;
 - (c) surfaced with an all-weather-seal coat;
 - (d) drained;
 - (e) line marked to indicate each car space and all access lanes; and
 - (f) clearly marked to show the direction of traffic along access lanes and drivewaysto the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
5. 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 technical advice from the Alice Springs Town Council.
6. 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.
7. 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.

8. All works recommended by the traffic impact assessment are to be completed to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.
9. 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 to the satisfaction of the consent authority.
10. 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.
11. All proposed works impacting on the road reserves (Gap Road, Simpson Street and service lanes) and 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 Alice Springs Town Council for approval and no works are to commence prior to approval and receipt of a "Permit to Work Within a Road Reserve".
12. Upon completion of any works within or impacting upon the road reserves (Gap Road, Simpson Street and service lanes), the road reserve/s shall be rehabilitated to the standards and requirements of the Alice Springs Town Council.
13. Storage for any waste disposal bins is to be provided to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.
14. 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.
15. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
16. All substation, fire booster and water meter arrangements associated with the development approved by this permit 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 the NT Fire and Rescue Service.
17. 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 and from view of neighbouring or nearby developments (or developments reasonably anticipated), 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. The use of angled louvered slats for screening purposes is acceptable, however the slat screening must be designed

with a panel to gap ratio, such that the condenser units are not readily visible from any angle.

18. No external sound amplification equipment or loud speakers are to be used for the purpose of announcement, broadcast, playing of music or similar purpose.
19. All pipes, fixtures, fittings and vents servicing any building on the site must be concealed in service ducts or otherwise hidden from view to the satisfaction of the consent authority.
20. External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the consent authority.

NOTES:

1. Part of the subject site is a declared heritage place, and no work is to be carried out within the declared heritage place without following appropriate processes under the terms of the *Heritage Act 2011*.
2. 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.
3. A "Permit to Work Within a Road Reserve" may be required from *the Alice Springs Town Council* before commencement of any work within the road reserve.
4. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
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.
6. 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.
7. 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.

8. Alice Springs Town Council's current Fees and Charges may apply to the above (Council specific) conditions. Additional information can be found at www.alicesprings.nt.gov.au
9. You are advised to contact Dial Before You Dig on 1100 to obtain a location of the Telstra Network and arrange for any relocation if required. The Telstra contact for relocation work is the Network Integrity and Compliance Group on 1800 810 443.
10. 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.The consent authority may extend the periods referred to if a request is made in writing before the permit expires.
11. There are statutory obligations under the *Waste Management and Pollution Control Act 1998* (the Act), that require all persons to take all measures that 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>

The Act, administered by the Northern Territory Environment Protection Authority, is separate to and not reduced or affected in any way by other legislation administered by other Departments or Authorities. The Environment Operations Branch of the Environment Division may take enforcement action or issue statutory instruments should there be non-compliance with the Act.

REASONS

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 which is zoned CP (Community Purpose).

Schedule 2.2 of the NTPS 2020 defines ancillary as "associated with but auxiliary and subordinate to the primary land use." The new multi-storey car parking building will provide staff and visitor parking for the Alice Springs Hospital, it will be an ancillary component of the primary (hospital) use of the site.

In accordance with Clause 1.9.1(c) of the NTPS 2020 the development and use is '*Impact Assessable*' and requires consent.

Sub-clause 4 of Clause 1.10 (Exercise of Discretion by the Consent Authority) of the NTPS 2020 specifies -
In considering an application for a use or development identified as Impact Assessable the consent authority must take into account all of the following:

- (a) any relevant requirements, including the purpose of the requirements, as set out in Part 5;*
- (b) any Overlays and associated requirements in Part 3 that apply to the land;*
- (c) the guidance provided by the relevant zone purpose and outcomes in Part 4; and*
- (d) any component of the Strategic Framework relevant to the land as set out in Part 2.*

The strategic framework (Part 2 of the Scheme), including:

- Alice Springs Regional Land Use Plan 2016;
- Alice Springs Central Area Plan, which are relevant to this application;
- Zone purpose and outcomes of Clause 4.22 Zone CP (Community Purpose), and
- the following Clauses of "Part 5":
 - 5.2.2.1 (General Height Controls in Alice Springs);
 - 5.2.4 (Vehicle Parking);
 - 5.2.4.4 (Parking Layout);
 - 5.2.5 (Loading Bays);
 - 5.2.6 (Landscaping);
 - 5.2.7 (Setbacks for Development Adjacent to Land in Zones LR, LMR, MR or HR);
 - 5.5.3 (Commercial and Other Development in Zones HR, CV, CV, C, SC, TC, OR, CP and FD)

need to be considered.

The proposal is for the construction of a a multi-storey carpark ancillary to the Alice Springs Hospital on land zoned CP. Part of the site (Lot 4579) is a declared heritage place (Alice Springs Heritage Precinct). The proposed car park building will abut the Heritage Precinct. Clause 5.5.3 deals with commercial and other developments in Zone CB and is intended to promote site-responsive designs of commercial, civic, community, recreational, tourist and mixed use developments which are attractive and pleasant and contribute to a safe environment. The Clause requires that such development preserve vistas along streets to buildings and places of architectural, landscape or cultural significance and be sympathetic to the character of buildings in the immediate vicinity. Further. Section 8 (Culture and Heritage) of the Central Alice Springs Area Plan lists objectives and acceptable land use and development response criteria. Elements that are particularly relevant to the design of the multi storey car park include the requirement that *building design responds to significant features of adjacent heritage sites, buildings, or objects. This may include a response to the scale, colours, textures and materials of heritage feature to emphasise heritage significance and distinguish the difference in time and style.*

The Heritage Branch identified a number of concerns in relation to the carpark design and asserted that the proposed building design, colours, textures and materials do not reflect the heritage characteristics of the immediate area. Further it considered that the large structure impacted

the visual integrity of the historic precinct when looking towards the south. In order to meet the concerns of the Heritage Branch and compliance with the design guidance and performance criteria (relevant to building design and landscaping) contained in the NT Planning Scheme 2020, the Authority requires amended plans demonstrating an improved design interface and associated façade treatment of the car park building that will be more sympathetic to the Heritage Precinct when viewed from the road reserves / public places

Pursuant to sub-clause 1 of Clause 5.2.4.4 (Parking Layout) of the NT Planning Scheme 2020, a variation to sub-clause 3(j) to allow reduced end bay widths (less than 3.5m wide or so that the driveway projects 1m beyond the last parking space) as:

- The non-compliant bays:
 - Will be identified / used for parking of smaller vehicles or as charging stations for electric vehicles; and
 - Exceed the 2.5m (width) and 5.5m (length) NTPS2020 dimension requirements for standard car parking bays; and
- Overall, the car parking area has been designed to comply with the relevant Australian Standards.

Subject to the receipt of amended drawings and compliance with conditions of approval, the proposed development and use is expected to comply with the relevant purpose and outcome statements contained in the NTPS2020.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to 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 application was exhibited in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000* that were in force at the time of lodgement. 1 public submission was received in opposition to the application. The matters raised in the submission have been acknowledged and discussed in the report considered by the Development Consent Authority
3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the merits of the proposed development as demonstrated in the application.

The application identified that the development:

- will provide additional car parking spaces for use by staff and visitors to the Alice Springs Hospital in a secure and sheltered building, alleviating the current parking shortfall for the site; and
 - includes provision for charging of electric vehicles, parking spaces for smaller cars and motorcycles.
4. Pursuant to section 51(1)(j) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to 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.

The physical characteristics of the land are considered suitable for the proposed development of the multi storey car park. Filling of the site will be limited to building pads / foundations.

The Department of Environment, Parks and Water Security did not identify any issues of concern in terms of land capability or suitability. Conditions and advisory notes included in a development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction. Conditions of approval will address Alice Springs Town Council's requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

5. 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.

The conditions of approval are intended to assist in ensuring:

- 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; and
- The NTPS 2020 objectives and development performance criteria relating to site access and the provision of services/infrastructure will be complied with.

6. Pursuant to section 51(1)(n) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the potential impact on the existing and future amenity of the area in which the land is situated.

Subject to the development complying with the permit conditions and advisory notes, the proposed development and use is unlikely to have an unreasonable amenity impact on the surrounding area given its location on the Alice Springs Hospital site and separation from other properties

As the car park will assist in alleviating the existing car parking shortfall associated with the hospital site, the amenity of the locality is likely to be improved as a result of the development.

7. Pursuant to section 51(1)(p)(i) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account the public interest including how community safety through crime prevention principles in design are provided for in the application. The application (as approved) is considered to respond satisfactorily to the objectives contained within with Community Safety Design Guide (April 2010) that forms part of the NT Planning Scheme 2020).
8. Pursuant to section 51(1)(r) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority is required to take into account any potential impact on natural, social, cultural or

heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*.

Part of the subject site (Lot 4579) is a declared heritage place (Alice Springs Heritage Precinct – delineated on Survey Plan S93/15). The proposed building will abut part of the boundary (of the declared heritage place) and other works including landscaping and upgrading of a driveway and car parking area are proposed to be undertaken within the heritage place. Comments received from the Heritage NT Division of the Department of Territory Families, Housing and Communities have identified concerns with regards to the design proposed within the application (as publicly exhibited) and consent has not been granted (pursuant to the *Heritage Act 2011*) for works to be carried out to a heritage place.

The conditions of approval and advisory notes are intended to ensure the:

- potential impact on the declared heritage place and associated values are minimised; and
- the objectives contained in the NT Planning Scheme 2020 are met, in particular:
 - section 8 of the Central Alice Springs Area Plan; and
 - Clause 5.5.3 (Commercial and Other Development in Zones HR, CV, CB, C, SC, TC, OR, CP, FD and T)

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS to prepare a Notice of Determination

ITEM 2 PA2020/0343 APPLICANT	SERVICE STATION (UNSTAFFED) LOT 9360 (5) DOWDY COURT, SUBURB OF CICCONE, TOWN OF ALICE SPRINGS MOGAS REGIONAL PTY LTD
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Andrew Caspar attended the meeting via telephone and spoke further to the application.

RESOLVED That, pursuant to section 46(4)(b) of the *Planning Act 1999*, the
0163/20 Development Consent Authority defer consideration of the application to develop Lot 9360 (5) Dowdy Court, Suburb of Ciccone, Town of Alice Springs for the purpose of a service station (unstaffed) 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. Submission of amended drawings (drawn to scale with dimensions and must be generally in accordance with the plans submitted with the application but) modified to show:
 - (a) a minimum setback of 20m from the bowlers to all internal buildings and property boundaries (to comply with sub-clause 2 of Clause 5.5.8 (Service Station) of the NT Planning Scheme 2020);
 - (b) a modified one-way traffic direction for larger vehicles (road trains) for entering the site via Dowdy Court and exiting the site via Shirley Court; and

- (c) a swept path diagram showing triple road train access from Dowdy Court and exiting via Shirley Court.

REASONS

Amended drawings will achieve an improved design outcome in terms of the:

- purpose statements and requirements of Clause 5.5.8 (Service Station) and Clause 4.14 (Zone LI – Light Industry) of the NT Planning Scheme 2020; and
- technical requirements of the Alice Springs Town Council.

ACTION: DAS DIPL to draft DCA letter to applicant

RESOLVED 0164/20

That, pursuant to section 86 of the *Planning Act 1999*, the Authority delegates to the Chair, or in the Chair's absence any one of the other members of the Alice Springs Division the power under section 53 of the Act, to determine the application to develop Lot 9360 (5) Dowdy Court, Suburb of Ciccone, Town of Alice Springs for the purpose of a service station (unstaffed) subject to:

1. Receipt of amended drawings (as required pursuant to resolution 163/20); and
2. Further subject to conditions determined by the delegate pursuant to section 55 of the *Planning Act 1999*.

ACTION: Advice to applicant

FOR: 4 AGAINST: 0 ABSTAIN: 0

ACTION: DAS to prepare a Notice of Refusal

ITEM 3 FURTHER CONSIDERATION - 31.4M TELECOMMUNICATIONS FACILITY WITH ASSOCIATED ANTENNAS AND EQUIPMENT SHELTER PA2020/0222 LOT 7754 (136) GREATOREX ROAD, ILPARPA, TOWN OF ALICE SPRINGS APPLICANT PLANNING SOLUTIONS (AUST) PTY LTD

DAS tabled an email from Allan Campbell dated 16 October 2020 that was inadvertently omitted from the Agenda Report for 9 December 2020 and an email and photo image from Rod Cramer prior to the hearing.

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

Submitters Erin Cassidy, Allan Campbell, Aileen Kennedy, Craig Eibeck, John Huigen, Anna Huigen, Jim Sligar, Robyn Cadzow, Brynnessa Schild, Rod Cramer, Barry & Sandra Taylor attended the meeting. Peter Mifsud attended as an observer.

Submitters Allan Campbell, Barry Taylor, Anna Huigen, John Huigen, Jim Sligar, Brynnessa Schild, Robyn Cadzow, Sandra Taylor, Craig Eibeck, Aileen Kennedy and Rod Cramer spoke further to their submissions.

Craig Eibeck tabled a document at the hearing.

**RESOLVED
0165/20**

That, pursuant to section 53(c) of the *Planning Act 1999*, the Development Consent Authority refuse to consent to the application to Lot 7754 (136) Greatorex Road, Suburb of Ilparpa, Town of Alice Springs for the purpose of a telecommunications facility, including a 30.5 metre high monopole (overall height 31.4m including antennas) and equipment shelter for the following reasons:

REASONS

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application the Development Consent Authority (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 applies to the land and a telecommunications facility requires consent under Clause 1.8 (When development consent is required). It is identified as Impact Assessable under Clause 1.8(1)(c)(i).

Clause 1.10 (Exercise of Discretion by the Consent Authority) sub-clause 4 requires, in considering an application for a use or development identified as Impact Assessable, the consent authority must take into account all of the following:

- any relevant requirements, including the purpose of the requirements, as set out in Parts 5 or 6;
- any Overlays and associated requirements in Part 3 that apply to the land;
- the guidance provided by the relevant zone purpose and outcomes in Part 4; and
- any component of the Strategic Framework relevant to the land as set out in Part 2.

Schedule 3.3.(c)i., the strategic framework (Part 2 of the Scheme, including the Alice Springs Regional Land Use Plan 2016, which is relevant to this application), zone purpose and outcomes of Clause 4.7 (Zone RL – Rural Living), Clause 5.2.4 (Vehicle Parking), Clause 5.2.6 (Landscaping) and Clause 5.8.10 (Telecommunications Facility) have been considered.

Schedule 3 is intended to enable the efficient provision of public utilities, infrastructure and facilities for the benefit of the community and creates exceptions to the Planning Scheme. Paragraph 3 of the Schedule provides that subject to Clause 5.8.10, the Planning Scheme does not prevent (c) the construction, alteration, repair or maintenance of facilities for the transmission of telecommunications services.

As required by Schedule 3, the proposal was considered against the requirements of Clause 5.8.10, the purpose of which 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 Authority also noted that the exception provided by Schedule 3 is limited to the provisions of the Scheme and the matters referred to in Section 51(1) of the *Planning Act 1999* remain applicable. Of particular relevance to the current application are the potential impact on the existing and future amenity of the area in which the land is situated and s51(1)(n), any submissions made under section 49, and any evidence or information received under section 50, in relation to the development

application s51(1)(e) as well as issues relating to the merit of the proposal and land capability identified in Section 51(1).

Amenity is defined in Section 3 of the *Planning Act 1999* in the following terms -

amenity, in relation to a locality or building, means “*any quality, condition or factor that makes or contributes to making the locality or building harmonious, pleasant or enjoyable.*” Sub-clause 5.8.10.4 requires that the “*location and design of a telecommunications facility minimises amenity impacts through sensitive siting, use of non-reflective finishes and appropriate landscaping*”. Sub-clause 5.8.10.5 of the Scheme requires that “*The amenity impacts of a proposal are appropriately minimised*”.

In order to determine the amenity impacts of the proposal, the amenity of the locality must be determined. The proposed facility is to be sited on land zoned RL and is surrounded by similarly zoned allotments. The purpose of Zone RL (Rural Living) is to provide “*for a range of rural lifestyle choices and rural activities, in areas where access to reticulated water and sewerage may not be available.*” The nature of the RL Zone as residential is emphasised by the *Planning Regulations 2000*. Regulation 13 specifically includes the RL zone in the list of residential zones for the purposes of the right of review. The Zone Outcomes for the RL zone include –

7. The design and site layout of all development are sympathetic to the existing streetscape, scale and character of surrounding development.

The application sought consent to construct a 31.4m high telecommunications facility (including a monopole and antennas) with an equipment shelter located at its base. There were 33 submissions received in relation to the application, 14 opposing and 17 supporting, while 2 submissions simply made comment. On both occasions that the matter was heard by the Authority numerous submitters attended and spoke for and against the proposal. At the meeting on the 9th of December 2020, many submitters questioned the response of the applicant to the points of deferral and particularly the availability of an alternative site which those submitters considered to have less amenity impact. Clause 5.8.10.3 requires the applicant to provide “*a detailed feasibility assessment of at least three sites for the establishment of the facility and the rationale for the preferred site. Wherever possible, the facility should be co-located with existing telecommunications facilities.*” To that extent, the availability of alternate sites was relevant. Submitters also raised questions in relation to the efficacy of the photographic images produced by the applicant to comply with Clause 5.8.10.2. The Authority also heard from other submitters who supported the proposal and there were clear indications of the need for better telecommunications access in the area. The Authority noted that both the landowner and tenant of the lot immediately adjoining the site of the proposed tower were strongly opposed to its location as being an unreasonable interference with their amenity.

The consent authority:

- a) noting:
- the purpose and requirements of clause 5.8.10 of the Scheme;
 - the relatively flat nature of the Ilparpa subdivision area and the

- area immediately to the north, north-east and north-west of the subdivision area;
 - the low-rise nature of all existing development within the Ilparpa subdivision;
 - existing panoramic views from many locations (including from roads, rural living zoned properties and other public areas) within the locality, that are uninterrupted by infrastructure;
 - the application and additional information submitted by the applicant, including a response to the consent authority’s letter of deferral and representations at the 2 public hearings of the application;
 - public submissions under section 49(1) of the *Planning Act* predominantly from residents of the locality, including submissions of residents of the Ilparpa subdivision supporting and opposing the proposed development;
 - that numerous adverse submissions from residents in the locality anticipated that if a monopole (including antennas) was installed on the subject site as proposed, the structure would have a significant (perceived) adverse impact on the visual amenity of their properties and / or the locality and or the character of the locality;
 - that numerous submissions of support for the proposed facility anticipated substantial benefits for local residents in the form of improved and affordable telecommunications and information technology services; and
 - that pursuant to section 51(1)(n) of the *Planning Act 1999*, it must take into consideration the potential impact on the existing and future amenity of the area in which the land is situated; and
- b) acknowledging that the telecommunications facility would be beneficial to some residents within the locality, by providing improved and affordable telecommunications and information technology services, meeting expectations and needs of part of the surrounding community;
- c) having considered the requirements of section 51(1)(a) of the *Planning Act 1999* and the information presented, concluded that:
- (i) the proposed monopole and antennas would unreasonably detract from the amenity of the locality, thereby frustrating the purpose of clause 5.8.10 of the Planning Scheme; and
 - (ii) the proposed location of the facility (approximately 7.7m from an adjacent Rural Living zoned property developed with a single dwelling and with no on-site screening between the facility and the dwelling on the adjoining lot) did not constitute sensitive siting or appropriate landscaping, as required by sub-clause 5.8.10.4 of the Planning Scheme and did not comply with the sub-clause;
 - (iii) regardless of where such a facility was constructed on the subject site, unreasonable amenity impacts related to impacts on views from surrounding privately owned properties as well as public areas could not be appropriately minimised site through landscaping (existing and/or proposed) treatment to the appearance of the monopole or through any other foreseeable means; and
 - (iv) the proposal did not comply with sub-clause 5.8.10.5.

2. Pursuant to section 51(1)(e) of the *Planning Act 1999*, the consent authority must take into consideration any submissions made under section 49, and any evidence or information received under section 50,

in relation to the development application. The application was placed on public exhibition in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*.

33 public submissions were received during the exhibition period, including 14 objections, 17 in support and 2 that did not identify whether they were supporting or objecting to the proposal. The main concerns raised by objectors related to perceived adverse impacts of the proposed monopole and antennas on views within the locality. The main grounds for support by submitters related to anticipated benefits associated with improved and more affordable telecommunications and information technology services.

The submissions, including verbal submissions at two public hearings of the application were taken into consideration in the authority's decision to refuse to grant consent to the application.

The Alice Springs Town Council did not make a local authority submission under section 49(3) of the Act.

3. Pursuant to section 51(1)(h) of the *Planning Act 1999*, the consent authority must take into consideration the merits of the proposed development as demonstrated in the application. The purpose of the development is to provide a telecommunications facility which will form part of the Telstra network. The facility may be expected to contribute to improved network coverage and capacity and improved telecommunications services in the area. Although the proposal has merit in that it would support the Telstra telecommunications network, the benefit is not considered to outweigh the cost in terms of impact on the character and amenity of the locality.
4. Pursuant to section 51(1)(r) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact on natural, social, cultural or heritage values, including, for example, the heritage significance of a heritage place or object under the *Heritage Act 2011*. The site has no declared historical significance and no natural, social or cultural issues have been identified during the assessment of the application.
5. Pursuant to section 51(1)(p) of the *Planning Act 1999*, the consent authority must take into consideration the public interest, including (if relevant) how the following matters are provided for in the application;
 - (i) community safety through crime prevention principles in design;
 - (ii) water safety; and
 - (iii) access for persons with disabilities

The application submitted that the proposed infrastructure would provide improved mobile phone and wireless data coverage to the surrounding Iparpa community and surrounding road network, supporting telecommunications for landowners, businesses residents, recreation users, commuters and emergency services and that the infrastructure would provide an essential service for which there is a demonstrated public demand and benefit and is compatible with surrounding uses.

6. The consent authority acknowledged that the infrastructure would likely have some public interest benefits as described in the application, but did

not consider the benefits of the proposal generally and / or specifically in relation to the public interest to justify the granting of consent to a proposal for siting of the proposed facility on RL zoned land, in a RL locality that was expected to unreasonably impact on the amenity of that locality.

FOR: 0 AGAINST: 4 ABSTAIN: 0

ACTION: DAS to prepare a Notice of Refusal

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

SUZANNE PHILIP

Chair

17 December 2020