



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 258 – WEDNESDAY 9 SEPTEMBER 2020

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

MEMBERS PRESENT: Suzanne Philip (Chair), Chris Neck, Dr Deepika Mathur (not present for Item 3), Jamie de Brenni

APOLOGIES: Nil

LEAVE OF ABSENCE: Nil

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

COUNCIL REPRESENTATIVE: Dilip Nellikat

Meeting opened at 10:05-am and closed at 12:10pm

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 CONSTRUCT 2 X 3 BEDROOM DWELLINGS- GROUP IN A SINGLE STOREY BUILDING AND RETAIN EXISTING 3 BEDROOM DWELLING
PA2020/0209 LOT 1365, 11 BALLINGALL STREET, SUBURB OF THE GAP
APPLICANT ZONE A PTY LTD

Stuart Chalmers (Zone A Pty Ltd) and Job Chacko Chundanga (land owner) attended the meeting and spoke further to the application.

Submitters, Colin Weston and Elna Dry attended the meeting and Colin Weston spoke further to their submission.

Dilip Nellikat (ASTC) attended the meeting and added to Council's written comment.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 3.6
0118/20 (LSF – Land Subject to Flooding), Clause 5.2.4.4 (Parking Layout), Clause
5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height), and Clause 5.4.3.2 (Distance Between Residential Buildings on One Site) 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 1365, 11 Ballingall Street, Town of Alice Springs for the purpose of 2 x dwellings-group in a single storey building, 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 plans publicly exhibited, but modified to include:
 - a) Demolition of the existing north boundary fence (shared boundary with Lot 1366) and construction of a 2.4m high (above finished ground level) solid fence and associated plinth along the full length of the boundary to within 3m of the street boundary (Ballingall Street); and
 - b) Improved boundary privacy fencing/screening to the south side boundary of site and secondary street boundary to a height of no less than 1.5m above the finished floor levels of the proposed dwellings. The Development Consent Authority may accept a combination of solid screening and lattice as well as planting, provided that it is satisfied that the screening will ensure a satisfactory level of privacy to occupants of the site and adjoining properties.
 - c) Details of the existing single storey dwelling (to be retained on the site), specifically:
 - Elevations of the building;
 - Room uses labelled on the floor plan;
 - The retrofitting / flood proofing works to the dwelling referred to in Statement of Effect (page 2 of 7) that formed part of the application publicly exhibited.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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.
4. 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 drawings in accordance with the authorities' requirements and relevant legislation at the time.
5. 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.
6. Stormwater is to be retained on the site or 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.
7. The kerb crossovers and driveways to the site approved by this permit are to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Alice Springs Town Council and at no cost to the Council, to the satisfaction of the consent authority.
8. 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 technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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) line marked or otherwise suitable delineated to indicate each car parking space;
 - (d) surfaced with an all-weather sealed coat; and
 - (e) drained;to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.

11. 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.
12. 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 confirming that all new 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.
13. 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 street addressing (unit number allocation) from the Surveyor-General of the Northern Territory. This will form the legal address and will be required to be placed on the meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained."
14. If provision for the storage and collection of garbage, recycling and other solid waste is proposed to be provided other than within private open space areas, the area/s must be screened from public view to the satisfaction of the consent authority.
15. All air conditioning units (evaporative or condenser units), including any 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 at ground level in a controlled manner, to the satisfaction of the consent authority.
16. The finished floor levels of "habitable rooms" of the two new dwellings must be no lower than 572.9m Australian Height Datum. The developer shall demonstrate compliance with this condition by providing an "as constructed" finished levels of each dwelling, confirmed by a Licensed Surveyor. This conditions is to the satisfaction of the Development Consent Authority.
17. Soil erosion control and dust control measures must be employed throughout the construction stage of the development to the satisfaction of the consent authority.

NOTES:

1. 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.
2. Prior to applying for building approval and works commencing, it is recommended that the land owner / developer considers engaging the services of a Licensed Surveyor to carry out a boundary identification survey to identify where the true boundaries of the site are in relation to existing and proposed fences and buildings on the land. This information could then be used for the purposes of section 6 of the *Building Regulations 1993*.

3. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserves (Ballingall Street and rear laneway), which would include creation of any driveway crossover connecting to Council's road network.
4. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au).
5. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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. 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.
7. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/_data/assets/pdf/file/0004/566356/noisemanagementframework_guideline.pdf
8. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at 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.
9. 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.nt.gov.au/waste-pollution/guidelines/guidelines>.
10. 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.

11. All telecommunications infrastructure should be built to NBN guidelines found at <http://www.nbnco.com.au/develop-or-plan-with-the-nbn/new-developments/builders-designers.html>
12. 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.

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 states - 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 submitted, 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.

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 Act, the application is required to be assessed against NTPS 2020. This assessment has been undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act.

The application has been assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

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

The development (as approved) is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to *"provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available."*

The consent authority grants variation/s to:

- a) clause 5.2.4.4 (Parking Layout) of the NTPS 2020, to allow a 'stacked' parking arrangement for 2 unsealed car parking spaces at Unit 3, and for the driveway, to unit 3, to be less than the 3.5m requirement as:
 - (i) the driveway cannot meet the 3.5m requirement due to the proximity of the easement; and

- (ii) the stacked car parking spaces cannot be sealed as they are over the easement.
 - b) clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings over 4 Storeys in Height) to allow the building containing units 2 and 3 to be constructed less than the required minimum setback distance from the secondary street boundary, as:
 - (i) all units are fully compliant with the front (primary street) and side setbacks;
 - (ii) due to the orientation of the single dwelling, the development cannot meet the rear setback requirement;
 - (iii) the development is expected to be compatible with the streetscape and surrounding development including residential buildings on the same site; and
 - (iv) it is not expected to:
 - have any discernible building massing impact on adjacent land or streets;
 - the streetscape or surrounding development; or
 - result in any overlooking of adjoining properties; or
 - have any discernible impact on breeze penetration to and through the site; or
 - be discordant with the LMR Zone 'Purpose' or 'Outcomes';
 - c) clause 5.4.3.2 (Distance Between Residential Buildings on one Site) to allow Unit 2 to be constructed less than the required minimum setback distance from Unit 1 as:
 - (i) the development and design:
 - is assessed as accordant with the Alice Springs Regional Land Use Plan (an applicable Strategic Land Use Plan) and generally accordant with the Compact Urban Growth Policy (an applicable Strategic Planning Policy); and
 - is expected to:
 - ensure that residents enjoy a good level of amenity; and
 - meet relevant objectives of NTPS2020 despite proposed variations to requirements of Part 5 of the Scheme; and
 - be compatible with the existing streetscape and development that may be reasonably be expected within the locality, given current zoning and development controls;
 - (ii) the Power and Water Corporation has not identified any issues of concern in relation to servicing;
 - (iii) the Alice Springs Town Council have not identified any concerns in relation to stormwater drainage or site access;
 - (iv) the development is not expected to frustrate the purpose of clause 5.4.3.1 or 5.4.3.2 (Distance between Residential Buildings).
3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. 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:
- (a) 1 public submission was received. The submission (from abutting land owners of Lot 1366) expressed concerns relating to privacy, fence heights, dwelling density and private open space.
 - (b) No local authority submissions were received;
 - (c) The matters raised in the submission and verbal evidence have been:

- Acknowledged and discussed in the reports considered by the Development Consent Authority at their meeting held on 09/09/2020; and
 - The conditions of approval (requiring replacement of boundary fencing to 2.4m high) are expected to ensure a satisfactory level of privacy and amenity for future occupants of the new dwellings as well as residents of neighbouring lots.
4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
- a) The development will utilise a serviced Zone LMR site into a groups dwelling development thereby providing housing options to the Alice Springs housing market;
 - b) The development will improve the visual amenity of the streetscape; and
 - c) The development will stimulate the building industry in the town and support many local businesses, whether directly or indirectly, which is essentially sustaining, maintaining and possibly creating jobs.
5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the 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 dwellings-group. Filling of the site will be limited to building pads / foundations of the dwellings. The site and floor layouts, private open space provision and other aspects of the design fulfil the intent of the objectives of the NT Planning Scheme 2020 relevant to dwelling-group use.

Neither the Alice Springs Town Council nor the Department of Environment, Parks and Water Security have identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.

6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Alice Springs Town Council, the Power and Water Corporation and the relevant telecommunications authority's respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner.
7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development is of a form and scale expected to be compatible with

the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Permit conditions relating to fencing height, landscaping and screening or air-conditioning units may be expected to assist in ensuring that the development is integrated into the streetscape.

8. Pursuant to section 51(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 Community Safety Design Guide promotes community safety through crime prevention principles in design. The development has been designed with regard to the guide through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed and no special disabled accessible provision is required for development of this type.

9. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration 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*. There are no known natural, social, cultural or heritage values on the site or in the immediate surrounding area.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare a Notice of Determination

ITEM 2 3 X 1 BEDROOM DWELLINGS-GROUP IN 2 X 1 STOREY BUILDINGS
PA2020/0236 LOT 2331, 20 NICKER CRESCENT, SUBURB OF GILLEN
APPLICANT DEPARTMENT OF TERRITORY FAMILIES, HOUSING AND COMMUNITIES

Catriona Tatam (Department of Territory Families, Housing and Communities) attended the meeting via telephone link and spoke further to the application.

The submitter did not attend the meeting.

Dilip Nellikat (ASTC) attended the meeting and added to Council's written comment.

RESOLVED That, the Development Consent Authority varies the requirements of Clause 5.4.6
0119/20 (Private Open Space) of the Northern Territory Planning Scheme 2020, and
pursuant to section 53(a) of the *Planning Act 1999*, consents to the application to
develop Lot 2331 (20) Nicker Crescent, Suburb of Gillen, Town of Alice Springs for
the purpose of 3 x 1 bedroom group-dwellings in 2 x 1 storey buildings, subject to
the following conditions and for the following reasons:

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 plans publicly exhibited, but modified to include:

- (a) a site, fencing and landscaping plan showing:
- (i) amended materials/design of the front boundary fence (between driveway access point and private open space boundary of "Unit 3"), tubular / picket / pool type fencing is envisaged with the following design objectives:
 - visually consistent with the streetscape and approved development;
 - enabling passive surveillance to and from the site;
 - not obstructing vehicle and pedestrian sightlines;
 - delineating the front boundary and protecting the landscaping on the subject site (Lot 2331);
 - (ii) locations of water meters and electricity meters (shown on the site and landscaping plans) to service the development and any associated changes to fencing / landscaping;
 - (iii) amended position/design of the garbage bin enclosure to enable:
 - driver and pedestrian sightlines to be maintained
 - utility meters location/s and associated access to be addressed.
 - (iv) solid fencing to both side boundaries of the site to a minimum height of 1.8m above ground level to both side boundaries and to a minimum height of 1.9m adjacent to the kitchen windows of the western-most dwellings on adjoining Lot 2330 (replacing chainmesh fencing and dense planting);
 - (v) additional mulch and low shrubs (instead of lawn) to the front of the parking spaces and adjacent to the southern side boundary selected with a view to further integrating the development into the streetscape and assisting in easier maintenance, while maintaining good passive surveillance opportunities and sight lines for vehicles entering and exiting the site; and
 - (vi) tree/s to the common property / communal open space area that are unlikely to cause undue winter shading of open space to adjoining Unit 10560 and Unit 10559;
- (b) elevations of the proposed stores abutting the verandahs;
- (c) details of the finished floor levels of proposed dwellings as they relate to adjacent internal boundary and side boundary fencing and fence heights with privacy screening a minimum of 1.8m above ground level and a minimum of 1.6m above finished floor levels of adjacent dwellings on the site;
- (d) details of location of proposed air-conditioner units and/or suitable notes on drawings showing:
- (i) all units 'ground-mounted' or 'low-mounted' such that they are screened from adjoining dwellings by proposed internal or side boundary screen fencing with condenser units extending no higher than the adjacent screen fencing; or
 - (ii) (if condenser units or other air-conditioner units are proposed to be roof-mounted or mounted partially or wholly above the height of adjacent privacy screening) other suitable screening of the units from adjacent dwellings and public places.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. 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 drawings in accordance with the authorities' requirements and relevant legislation at the time.
4. 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.
5. 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.
6. Stormwater is to be retained on the site or 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.
7. The kerb crossover and driveway to the site approved by this permit is to be provided, and any required re-instatement works are to be completed, to the requirements and technical standards of the Alice Springs Town Council and at no cost to the Council, to the satisfaction of the consent authority.
8. 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 technical standards of the Alice Springs Town Council, to the satisfaction of the consent authority.
9. Before the use or occupation of the development starts, driveways and areas set-aside for the parking of vehicles 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) sealed; and
 - d) drained;to the satisfaction of the consent authority.
Car spaces, access lanes and driveways must be kept available for these purposes at all times.
10. 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.
11. 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.
12. Before the use/occupation of the development starts, the private open space area/s of each dwelling shall be screened in accordance with a landscaping and fence plan endorsed by the consent authority as part of this permit and fences must be a minimum height of 1.8m above ground level to both side boundaries

and to a minimum height of 1.9m adjacent to the kitchen windows of the western-most dwellings on adjoining Lot 2330. This condition is to the satisfaction of the consent authority.

13. 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 confirming that all new 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.
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 meters within the development in accordance with the allocation. A Certificate of Compliance (section 65 of the *Planning Act 1999*) will not be able to be granted until such time as addressing is obtained.
15. If provision for the storage and collection of garbage and other solid waste is proposed to be provided other than within private yards, the area/s must be screened from public view to the satisfaction of the consent authority.
16. All air conditioning units (evaporative or condenser units), including any 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.

NOTES:

1. 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 construction works.
2. A "Permit to Work Within a Road Reserve" is required from the Alice Springs Town Council before commencement of any work within the road reserve, which would include creation of any driveway crossover connecting to Council's road network.
3. The Surveyor-General advises you should immediately make application for unit/street addresses to the Survey and Land Records unit on (08) 8995 5354 (surveylandrecords@nt.gov.au). The developer should be aware that there may be survey marks within the area, if any of these become disturbed please advise Survey Land Records.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@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.

5. 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.
6. The Department of Environment, Parks and Water Security advises that construction work should be conducted in accordance with the Northern Territory Environment Protection Authority (NTEPA) Northern Territory Noise Management Framework Guideline September 2018, available at: https://ntepa.nt.gov.au/data/assets/pdf/0004/566356/noisemanagementframework_guideline.pdf
7. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at 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.
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9. 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/new-developments/builders-designers.html>
10. 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.

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 states - 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.

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 Act, the application is required to be assessed against NTPS 2020. This assessment has been undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act.

The application has been assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

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

The proposed development (as approved) is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LMR, which is to “*provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.*”

The consent authority granted variations to Clause 5.4.6.4(a) (Private Open Space) of the NTPS 2020, to allow a reduced open to the sky private open space provision with respect to Dwellings 1 and 2, as the dwellings are all 1 bedroom units with relatively small floor areas and low occupant numbers envisaged and the development is expected to:

- offer occupants of all dwellings a good level of private open space amenity complemented by communal open space;
- be consistent with the purpose of the clause and the zone purpose and outcomes; and
- be appropriate to the site having regard to location, scale and impact on adjoining and nearby property.

3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. The application was notified in accordance with section 47A of the *Planning Act 1999* and one submission from the owners of adjacent Units 10558 – 10561 (inclusive) Nicker Crescent was received and duly considered in the determination of the application and conditions of approval. The Alice Springs Town Council was invited to comment on the application, but did not make any submissions in its capacity as local authority.

4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified that:
 - (a) The proposal would provide much needed access to contemporary, one-bedroom urban public housing dwellings in Alice Springs.
 - (b) The provision of one-bedroom units would address the greatest housing demand for public housing in Alice Springs.
 - (c) The proposed dwellings would increase housing options available within the locality and importantly provide for additional urban public housing within the locality.

The proposed development is assessed as aligning with the purpose of Zone LMR, which is to “*provide a range of low rise housing options that contribute to the streetscape and residential amenity in locations supported by community services and facilities, and where full reticulated services are available.*”

5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the 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. Neither the Department of Infrastructure, Planning and Logistics nor the Department of Environment, Parks and Water Security has identified any issues of concern in terms of land capability or suitability. Advisory notes included in the development permit may be expected to assist in ensuring appropriate management of erosion, dust and noise during construction.
6. Pursuant to section 51(m) of the *Planning Act 1999*, the consent authority must take into account the public utilities or infrastructure provided in the area in which the land is situated, services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer. Service authorities have not identified any concerns in principle with the proposed development and the conditions of approval are expected to assist in ensuring that the Alice Springs Town Council, the Power and Water Corporation and the relevant telecommunications authority’s respective interests as a service authorities are duly recognised and that the development is serviced in an orderly manner and that locations of utility meters are shown on the drawings.
7. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development as approved is of a form and scale expected to be compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality. Required changes to the fencing plans reflect the identified need to recognise existing solid fencing to side boundaries and ensure a good level of privacy between the subject site and adjoining residential properties. Relevant standard permit conditions relating to landscaping and screening or air-conditioning units are expected to assist in integrating the development into the streetscape and limiting the potential for winter shading of the adjoining residential properties.
8. Pursuant to section 51(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 development has been designed with regard to community safety through crime prevention principles and includes provision of passive surveillance opportunities. No swimming pools are proposed. While special disabled accessible provision is not required for development of this type, the application identifies that the dwellings have been carefully designed to meet the requirements of AS4299 – Adaptable Housing – Class C, ensuring that they dwellings can be adapted to meet full accessibility requirements if necessary.

9. Pursuant to section 51(r) of the *Planning Act 1999* the consent authority must take into consideration 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*. There are no known natural, social, or declared cultural or heritage values on the site or in the immediate surrounding area.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare a Notice of Determination

ITEM 3 SUBDIVISION TO CREATE 87 LOTS IN 2 STAGES

PA2020/0219 NT PORTIONS 7652 & 7655, 155 COLONEL ROSE DRIVE, SUBURB OF KILGARIFF

APPLICANT MASTERPLAN NT

Pursuant to section 97 of the *Planning Act 1999*, Dr Deepika Mathur a member of the Alice Springs Division of the Development Consent Authority declared an interest and was not present during and did not take part in the hearing of and any deliberation or decision of Item 3.

- Joe Sheridan (MasterPlan)
- Jamie Castles (Land Development Corporation)
- Susan Dugdale (Susan Dugdale and Associates)
- Tony Cox (Clouston Associates);
- Ryan Krake (Jacobs Group (Australia) Pty Ltd)
- Graeme Finch (Land Development DIPL) by phone attended the meeting in support of the application.

Joe Sheridan, Jamie Castles spoke further to the application.

Dilip Nellikat (ASTC) attended the meeting and added to Council's written comment.

**RESOLVED
0120/20**

That, the Development Consent Authority vary the requirements of Clause 6.5.1 (Subdivision in Zone FD) and Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) 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 part NT Portions 7652 & 7655, 155 Colonel Rose Drive, Suburb of Kilgariff, Alice Springs for the purpose of subdivision to create 94 lots in 2 stages (Kilgariff Stages 2(a) & 2(b)) comprising of 87 residential lots, 2 public open space lots and 3 drainage corridor lots and balance parcels of NT Portions 7652 and 7655), 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 in accordance with the Austroads Guide to Traffic Management Part 12: Traffic Impacts of Development is to be prepared by a suitably qualified traffic engineer. The report must also address the:
 - matters raised in technical comments received from the:
 - Alice Springs Town Council (dated 29/07/2020);
 - Transport and Civil Services Division (dated 29/07/2020) and Land Development Unit of the Lands and Planning Division (dated 06/08/2020) of the Department of Infrastructure, Planning and Logistics; and
 - guidance contained in the Kilgariff Area Plan (May 2019) and Clause 6.2.4 of the NT Planning Schemeand identifying any necessary upgrades to the surrounding street network/s to the requirements of the:
 - Alice Springs Town Council; and;
 - Transport and Civil Services Division and Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logisticsto the satisfaction of the consent authority.
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 and NT Government stormwater drainage system/s (as the case may be) shall be submitted to and endorsed by the Alice Springs Town Council and Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority. The plan shall include details of site levels and the Council's and NT Government stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's and NT Government system or an alternate approved connection.
3. Prior to the commencement of "Stage 2A" works (including site preparation), engineering drawings and design details for the proposed interface and alignment of Welton Parade and the connection to the road within the northern end of "Stage 2A" Kilgariff (between proposed Lots 1000 and 1001) is to be submitted to and approved by the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, with all approved works constructed at the applicants expense to the requirements of the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
4. Prior to the commencement of "Stage 2B" works (including site preparation), Engineering drawings and design details for the proposed interface and alignment of:
 - Roads within the southern end of "Stage 2A" Kilgariff connecting to Stage 2B; and
 - Colonel Rose Drive and the southern vehicle entrance to "Stage 2B", Kilgariff is to be submitted to and approved by the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, with all approved works constructed at

the applicants expense to the requirements of the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.

5. Prior to the endorsement of plans for each stage and prior to the commencement of works of each stage (including site preparation), a site earthworks plan indicating finished levels of all proposed lots is to be submitted to and endorsed by the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics to the satisfaction of the consent authority. All cut and fill works are to be designed to eliminate the need for excessive cut/fill/retaining wall works for the proposed lots
6. Prior to the commencement of works (including site preparation) a water, sewer and electricity infrastructure masterplan for the entire Kilgariff (Stage 2) development is to be submitted to and endorsed by the Power and Water Corporation, to the satisfaction of the consent authority.
7. Prior to the commencement of works (including site preparation) a storm water drainage, road reserve(s) masterplan for the entire Kilgariff (Stage 2) development is to be submitted to and endorsed by the Alice Springs Town Council and the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
8. Prior to the commencement of works, a Type 2A Erosion and Sediment Control Plan (ESCP) must 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 must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CPESC) to the satisfaction of the consent authority. The ESCP should be submitted for assessment and acceptance prior to the commencement of any earth disturbing activities (including clearing and early works) to the Department of Environment, Parks and Water Security via email: DevelopmentAssessment.DENR@nt.gov.au
9. 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 publicly exhibited with the application (and amended drawing "GG:1869-Z1-3A" supplied on 04/09/2020) but modified to show:
 - (a) any changes made to the drawing/s resulting from the matters identified in Conditions Precedent 1, 2, 3, 4, 5, 6, 7 and 8 of this Development Permit.

Amended plans and associated supporting documentation prepared in response to the conditions precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit

GENERAL CONDITIONS

10. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.

11. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the consent authority.
12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities and telecommunication networks to each lot shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
13. 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
14. 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.
15. Engineering design and specifications for the proposed and affected street lighting are to be to the technical requirements of the relevant authority to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
16. Engineering design and specifications for the proposed and affected roads, stormwater drainage, site earthworks, vehicular access, pedestrian/ cycle corridors and streetscaping are to be to the technical requirements of Alice Springs Town Council and Department of Infrastructure, Planning and Logistics (Transport and Civil Services Division and Land Development Unit of the Lands and Planning Division) as the case may be to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
17. All proposed roads to be created on the plan of subdivision submitted for approval by the Surveyor General must be dedicated to the relevant Northern Territory or local government authority.
18. All works recommended by the Traffic Impact Assessment are to be completed to the requirements of the Alice Springs Town Council, Transport and Civil Services Division and Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics, to the satisfaction of the consent authority.
19. The kerb crossovers and driveways to the site approved by this permit are to meet the technical standards of the Alice Springs Town Council and/or Department of Infrastructure, Planning and Logistics (as the case may be), 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 Alice Springs Town Council and/or Department of Infrastructure, Planning and Logistics (as the case may be) to the satisfaction of the consent authority.
21. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/bicycle ways;
 - (c) collect stormwater and discharge it to the drainage network; and
 - (d) undertake reinstatement works;

- (e) all to the technical requirements of and at no cost to the , Alice Springs Town Council and/or Department of Infrastructure, Planning and Logistics (as the case may be), to the satisfaction of the consent authority.
22. Where unfenced, the;
- Stuart Highway road frontage is to be appropriately fenced in accordance with Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics standards and requirements; and
 - Colonel Rose Drive road frontage is to be appropriately fenced in accordance with Alice Springs Town Council's standards and requirements, to the satisfaction to the consent authority.
23. Any proposed works (including the provision or connection of services) within, or impacting upon the:
- Colonel Rose Drive road reserve shall be in accordance with the standards and specifications of the Alice Springs Town Council;
 - road reserves within "Stage 1" Kilgariff and the residual parcels (NT Portion 7652 & 7655) including trunk drains, shall be in accordance with the standards and specifications of the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics or Alice Springs Town Council (as the case may be); and
 - Stuart Highway road reserve shall be in accordance with the standards and specifications of the Transport and Civil Services Division, Department of Infrastructure, Planning and Logistics. Design documents must be submitted to the Director Corridor Management, Transport and Civil Services Division for Road Agency Approval.
- No works are to commence prior to approval and receipt of the necessary "Permit to Work Within a Road Reserve" from each agency.
24. No temporary access for construction purposes shall be permitted from the Stuart Highway road reserve. Construction and delivery vehicles shall not be parked on the Stuart Highway road reserve.
25. Upon completion of any works within or impacting upon the:
- Colonel Rose Drive road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Alice Springs Town Council;
 - Stuart Highway road reserve, the road reserve shall be rehabilitated to the standards and requirements of the Transport and Civil Services Division of the Department of Infrastructure, Planning and Logistics; and
 - local roads within Stage 1 Kilgariff and residual parcels (NT Portions 7652 and NT Portion 7655), the road reserve(s) / land shall be rehabilitated to the standards and requirements of the Land Development Unit (of the Lands and Planning Division) of the Department of Infrastructure, Planning and Logistics.
26. Before the issue of titles for each stage, firebreaks along boundaries or at appropriate locations shall be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Services.
27. Before the issue of titles for "Stage 2A", the developer is to provide written confirmation (in the form of updated plans or drawings referencing the NT Planning Scheme 2020) demonstrating that all lots less than 600m² for Dwellings-Single allow for future vehicle access via a single driveway unrestricted by street infrastructure (including any power, water, sewer or stormwater infrastructure) which demonstrates a 3.5 metre driveway can be

located on each lot to ensure that the each lot's street frontage has a minimum continuous length of 6.5m, to the satisfaction of the consent authority.

28. Prior to the issue of Titles for:

- (a) Stage 2A, amended plans showing fencing and/or landscaping detail as it relates to proposed lots 1, 29 and 30 are to be submitted to and endorsed by the consent authority.
- (b) Stage 2B, amended plans showing fencing and/or landscaping detail as it relates to proposed lots 47-62 is to be submitted to end endorsed by the consent authority.

The works referred to in this condition shall be in completed accordance with the endorsed drawings.

Screening details (a combination of landscaping and fencing shown on updated landscaping plans) should be designed with the objectives to:

- complement Stage 1 of Kilgariff;
- provide visual privacy to residential lots;
- enhance the amenity of Stage 2 works when viewed from Stuart Highway and Colonel Rose Drive

for residential lots that will have an interface with the trunk drains abutting the Stuart Highway and Colonel Rose Drive road reserves.

29. All works relating to this permit must be undertaken in accordance with the endorsed Type 2A Erosion and Sediment Control Plan (ESCP) to the requirements of the consent authority. Should the endorsed Type 2A Erosion and Sediment Control Plan (ESCP) need to be amended, the revised ESCP must be developed and/or certified by a Certified Professional in Erosion and Sediment Control (CEPSC) to the satisfaction of the consent authority. The revised ESCP should be submitted for acceptance to Development Assessment Services via email: das.ntg@nt.gov.au .

30. All reasonable and practicable measures must be undertaken to prevent: erosion occurring onsite, sediment leaving the site, and runoff from the site causing erosion offsite. 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. For further information refer to 'NOTE: 1' (below). At completion of works, clearance should be sought from the Department of Environment, Parks and Water Security regarding satisfactory implementation of permanent erosion and sediment control measures and site stabilisation. To arrange a clearance site inspection, email the Land Development Coordination Branch at: DevelopmentAssessment.DENR@nt.gov.au

NOTES

1. Information regarding erosion and sediment control can be obtained from the IECA Best Practice Erosion and Sediment Control 2008 books available at 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.
2. NT Portions 7652 & 7655 are 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 Coordination Branch, Department of Environment, Parks and Water Security: (08) 89994446.

3. This permit does not endorse or provide preliminary support or approval for the concept road layout (beyond the "Stage 2" subdivision area boundaries) submitted with the application.
4. 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.
5. All new roads, including alterations and extensions to existing roads, are required to be named under the *Place Names Act 1967*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 8995 5333 or place.names@nt.gov.au. Further information can be found at www.placenames.nt.gov.au
6. 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.
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. 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/new-developments/builders-designers.html>
9. 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.
10. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council and the Department of Infrastructure, Planning and Logistics* before commencement of any work within the road reserves.
11. The developer is recommended to implement necessary measures to ensure mosquito breeding does not occur during the construction phase of the development. The Medical Entomology Branch (ph: 08 89228901) of the Department of Health can provide technical advice regarding this.
12. 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.

13. The Lands and Planning Division of the Department of Infrastructure, Planning and Logistics will not approve construction access through the existing residential area of Kilgariff (Stages 1(a)&(b)), while those roads are under Lands and Planning Division control.
14. 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.
15. 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.
16. 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 proponent is advised to take notice of the SCHEDULE OF ENVIRONMENTAL CONSIDERATIONS provided by DENR (attached to its correspondence dated 06/08/2020).

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. 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 states - 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 submitted (lodged on 16 July 2020), 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.

Because the application was not heard before the commencement of the amendment to the Act, and to satisfy the requirements of Section 51, the application is required to be assessed against NTPS 2020. This assessment has been undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act.

The application has been assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

2. Pursuant to section 51(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 subdivision of land requires consent pursuant to Clause 1.8 (When Development Consent is Required) and Part 6 (Subdivision and Consolidation Requirements). It is identified as *Impact Assessable* under Clause 1.8(1)(c)(ii), and therefore the strategic framework (Part 2 of the Scheme, including the Alice Springs Regional Land Use Plan 2016 and the Kilgariff Area Plan (May 2019) which are relevant to this application), zone purpose and outcomes of:

- Clause 4.27 – Zone FD (Future Development);
- Clause 6.2.1 (Lot Size and Configuration for Subdivision in Zones LR, LMR, MR and HR);
- Clause 6.2.2 (Lots Less Than 600m² for Dwellings-Single);
- Clause 6.2.3 (Site Characteristics for Subdivision in Zones LR, LMR, MR and HR);
- Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR); and
- Clause 6.5.1 (Subdivision in Zone FD);

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 Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) and Clause 6.5.1 (Subdivision in Zone FD).

3. 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).

The proposal for “Stage 2” of the Kilgariff Estate has been found not to be in accordance with Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR), because less than 10% of the “subdivision area” will be “public open space” (as defined in the NTPS 2020).

It is considered that a variation to this clause is appropriate in this instance because the proposal is consistent with the purpose of Clause 6.2.4 (Infrastructure and Community Facilities for Subdivision in Zones LR, LMR, MR and HR) in that the subdivision of the land is consistent with the Kilgariff Area

Plan and Stage 2 will be able to be integrated with infrastructure, community services and facilities that will be constructed for future stages of the Kilgariff Estate. The proposed “neighbourhood park” will comply with the design criteria contained in Clause 6.2.4 and its dimensions and features are considered to be adequate for the subdivision.

The application for “Stage 2” of the Kilgariff Estate proposes lot sizes less than the 50ha minimum specified in sub-clause 3 of Clause 6.5.1 (Subdivision in Zone FD).

As provided for in sub-clauses 1 and 4 of Clause 6.5.1, the criteria listed in sub-clauses (a) to (c) have been assessed and it is considered that a variation to this clause is appropriate in this instance because:

- (a) The proposal is consistent with the purpose of Clause 6.5.1 (Subdivision in Zone FD) in that the subdivision of the land is consistent with the Kilgariff Area Plan;
- (b) The considerations listed under Clause 1.10(4) and Clause 6.5.1 have been given regard to and it has been found that the proposal will be able to comply with all relevant requirements of the NT Planning Scheme 2020, except for sub-clause 7 of Clause 6.2.4, as identified above.

4. 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 two submissions have been noted by the consent authority. The development is consistent with the purpose of Zone FD (Future Development) and the objectives of the Kilgariff Area Plan that form part of the NT Planning Scheme 2020.
5. Pursuant to section 51(j) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must 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. Subject to storm water drainage, erosion control and vehicle access arrangements to the subdivision being addressed, the physical characteristics of the land are considered suitable for the proposed subdivision and subsequent development and the subdivision area is outside the modelled 1% AEP Defined Flood Area.
6. Pursuant to section 51(k) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the public facilities or public open space available in the area in which the land is situated and the requirement, if any, for the facilities, or land suitable for public recreation, to be provided by the developer.

The proposed Kilgariff Estate “Stage 2” subdivision does not technically include 10% of the lease area as “public open space” (as defined in the NTPS 2020). However, significant areas of open space will be available with:

- a) The presence of major drainage areas along the boundary with the Stuart Highway and Colonel Rose Drive for passive recreation use (such as walking and pet exercise); and
- b) A major ‘linear park’ along St Mary’s Creek is proposed in future stages, as well as existing areas of open space adjacent to Kilgariff Stage 1 will be readily accessible to the general public and will service as an open space

network, as supported by the Kilgariff Area Plan (that forms part of the NTPS 2020).

It is therefore considered that Stage 2, once fully developed within the overall Kilgariff Estate will provide the required 10% public open space.

7. Pursuant to section 51(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 precedent and general conditions of approval are intended to assist in ensuring:
 - Service authority interests are duly recognised in terms of storm water drainage and telecommunications, vehicle access, electricity, sewerage and water services that apply to the subdivision of the land; and
 - The NTPS 2020 objectives and subdivision performance criteria relating to the provision of services/infrastructure will be complied with.
8. Pursuant to section 51(n) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the potential impact on the existing and future amenity of the area in which the land is situated.

The site is within Zone FD (Future Development) and subject to the Kilgariff Area Plan of the NT Planning Scheme 2020. The proposal generally accords with the layout depicted within the Area Plan and is considered unlikely to adversely impact on the area or alter community expectations for the site.

Overall, the Kilgariff residential suburb is currently being developed and the amenity of the area is being established. The relevant area plan, zoning provisions and the application all seek to promote the best amenity outcomes for the future residents of the estate.

Provided the neighbourhood park combined with pedestrian and cycle corridors are established in appropriate locations and in a timely manner and, provided that site levels and associated stormwater drainage is appropriately managed, the proposed subdivision can achieve appropriate levels of residential amenity.

FOR: 3

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare a Notice of Consent and Development Permit

ITEM 4 VERANDAH ADDITION TO AN EXISTING DWELLING-SINGLE WITH REDUCED BUILDING SETBACK TO SIDE BOUNDARY
PA2020/0230 NT PORTION 7285, 4 CRAMER STREET, SUBURB OF KILGARIFF
APPLICANT STRATCO PTY LTD

Thomas Zampa (Stratco Pty Ltd) and Christopher Deans (land owner) attended the meeting and spoke further on the application

The submitter did not attend the meeting.

Dilip Nellikat (ASTC) attended the meeting and added to Council's written comment.

**RESOLVED
0121/20**

That, the Development Consent Authority vary the requirements of Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures) 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 NT Portion 7285, (4) Cramer Street, Suburb of Kilgariff, Alice Springs for the purpose of a verandah (outbuilding addition to dwelling-single) with reduced building setback to side boundary, 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, are to be drawn to scale with dimensions and generally consistent with the plans initially submitted with the application, but modified to show:
 - (a) a minimum 0.4m building setback from the boundary with NT Portion 7286 (2 Cramer Street) to the outer surface of any support columns and the edge of the gutter/eaves of the verandah; and
 - (b) the apex height of the verandah (above finished ground level) shown on the elevations.

Amended plans and associated supporting documentation prepared in response to the condition precedent may be submitted to the Development Consent Authority C/- Development Assessment Services, DIPL (Alice Springs Branch) via email to DAS.NTG@nt.gov.au. When endorsed, the plans will form part of the permit.

GENERAL CONDITIONS

2. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
3. Storm water is to be collected and contained within the site or discharged into the drainage network to the technical standards of the Alice Springs Town Council at no cost to the Council or the Department of Infrastructure, Planning and Logistics. This condition is to the satisfaction of the consent authority on advice from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit) (or the Alice Springs Town Council, in the event that that agency has accepted responsibility for roads and drainage to the subdivision).

NOTES:

1. 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.
2. The Power and Water Corporation advises that any electrical work should be undertaken by a licenced electrician, construction should be kept clear of any existing underground services and access to the meter box needs to be maintained.

3. 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.
4. A "Permit to Work Within a Road Reserve" is required from the Department of Infrastructure, Planning and Logistics' Lands and Planning Division (Land Development Unit) (or the Alice Springs Town Council, in the event that that agency has accepted responsibility for roads and drainage to the subdivision) before commencement of any work within a road reserve.

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 states - any application or proposal that was not determined before the commencement is to proceed and be determined:
 - (c) in accordance with this *Act* applicable at the time the determination is made; and
 - (d) in relation to the elements of the planning scheme applicable at the time the determination is made.

Subsequent to the subject application being submitted, 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.

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 Act, the application is required to be assessed against NTPS 2020. This assessment has been undertaken by Development Assessment Services (DAS) having regard to the applicant's Statement of Effect and how this relates to the current provisions of NTPS 2020 and amended Act.

The application has been assessed against the requirements of the Act (as at 31 July 2020) and the requirements of the NTPS 2020 (as at 31 July 2020).

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

The proposed development as altered and approved is considered to respond satisfactorily to applicable requirements and objectives of NTPS 2020 as it relates to the site and locality and is assessed as aligning with the purpose of Zone LR (Low Density Residential), which is to "*Provide predominantly for low rise urban residential development comprising individual houses and uses compatible with residential amenity, in locations where full reticulated services are available.*"

The consent authority grants variation/s to Clause 5.4.3 (Building Setback of Residential Buildings and Ancillary Structures) of the NTPS 2020 to allow a reduced setback of 0.4m to a side boundary for a verandah addition to a dwelling-single, as;

- Subject to the receipt of amended drawings, the verandah is not expected to have any discernible building massing impact on the adjacent streetscape;
 - The structure is single storey and the building materials, colours and roof height of the verandah will complement the existing dwelling-single on the subject site and boundary fencing; and
 - The consent authority has noting the comments made by the public submitter (neighbour).
3. Pursuant to section 51(e) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account any submissions made under section 49 of the Act and any evidence or information received under section 50 of the Act. Notification of the application was undertaken in accordance with the requirements of the *Planning Act 1999* and *Planning Regulations 2000*. One submission was received from the owner of NT Portion 7286), the matters raised in the submission and the evidence given by at the 09/09/2020 meeting have been considered by the consent authority.
4. Pursuant to section 51(h) of the *Planning Act 1999*, in considering a development application the consent authority is required to take into account the merits of the proposed development as demonstrated in the application. The application identified/contended generally as follows:
- The proposed verandah will be constructed from Colorbond® steel and will comply with contemporary engineering and building certification standards;
 - The new structure will provide much needed shade/weather protection to the eastern private open space area of the dwelling as well as shade to the windows of that side of the dwelling;
 - The verandah will shelter and existing outdoor area which is reasonably level and there will be no impact on the storm water drainage arrangements of the site; and
 - Colours and building materials of the structure will complement the existing dwelling, solid metal fencing to the side and rear boundaries will provide some screening.
5. Pursuant to section 51(n) of the *Planning Act 1999* the consent authority must take into consideration the potential impact of development on the existing and future amenity of the area in which the land is situated. The proposed development (as altered) is expected to be of a form and scale compatible with the established streetscape and locality and is not expected to adversely impact on the amenity of the locality.

FOR: 4

AGAINST: 0

ABSTAIN: 0

ACTION: DAS to prepare a Notice of Consent and Development Permit

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

SUZANNE PHILIP

Chair

17 September 2020