



DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

MEETING No. 263 – WEDNESDAY 14 APRIL 2021

**MEETING ROOM
ALICE SPRINGS DESERT PARK
539 LARAPINTA DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Chris Neck (Presiding Member), Jamie de Brenni,
Jimmy Cocking

APOLOGIES: Suzanne Philip (Chair), Deepika Mathur
Dilip Nellikat Alice Springs Town Council

OFFICERS PRESENT: Benjamin Taylor, Dawn Parkes, Jennie Ryan

Meeting opened at 11:15am and closed at 12:00pm

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.

That, pursuant to section 101(3) of the *Planning Act 1999*, in the Chair's absence the members of the Alice Springs Division of the Development Consent Authority elect Chris Neck to preside at the meeting on Wednesday 14 April, 2021.

ITEM 1 **PARALLEL DEVELOPMENT APPLICATIONS – CONSOLIDATION TO CREATE**
PA2021/0030 **ONE LOT AND CONSTRUCT 5 x 5 BEDROOM AND 4 x 4 BEDROOM**
 DWELLINGS-GROUP IN 3 x 2 STOREY BUILDINGS

 LOT 2756, 2757, 2758, 2759 & 2760, (3, 5, 7 & 9) ROSENBAUM STREET & (49)
 MEMORIAL AVENUE, SUBURB OF GILLEN

APPLICANT **AMENTUM GLOBAL SERVICES AUSTRALIA PTY LTD**

Cliff Schmidt and Emma Wood (AECOM Australia Pty Ltd) attended the meeting via telephone hook-up and spoke further to the application.

Submitters Ron & Cynthia McPharlin and Allison Gray attended the meeting. Allison Gray spoke further to her submission.

RESOLVED That, the Development Consent Authority vary the requirements of Clause 5.4.3.1
0026/21 Additional Setback Requirements for Residential Buildings longer than 18 metres
 and for Residential Buildings over 4 storeys in Height) 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
 develop Lots 2756, 2757, 2758, 2759, 2760, 3, 5, 7 and 9 Rosenbaum Street &
 49 Memorial Avenue, Suburb of Gillen, Town of Alice Springs for the purpose of 5
 x 5 bedroom and 4 x 4 bedroom dwellings-group in 3 x 2 storey buildings, subject
 to the following conditions:

CONDITIONS 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 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) Screening of the 1st floor (bedroom) window of Unit 1;
 - (b) boundary fencing and screening arrangements to private open space areas of all units compliant with the performance criteria of sub-clause 5 of Clause 5.4.6 (Private Open Space) of the NT Planning Scheme 2020
 - (c) confirmation that privacy screening (ie: solid metal fencing) to the boundaries of Lots 2761, 2749, 2750, 2751, 2752, 2754 and 2755 will be a minimum 1.8m high (above the finished ground level on the subject site);
 - (d) location of water meters (shown on the site and landscaping plans).

2. Prior to the endorsement of plans and prior to the commencement of works, a schematic plan demonstrating the on-site collection of stormwater and its discharge into the Alice Springs Town Council stormwater drainage system shall be submitted to and approved by the Alice Springs Town Council, to the satisfaction of the consent authority. The plan shall include details of site levels

and Council's stormwater drain connection point/s. The plan shall also indicate how stormwater will be collected on the site and connected underground to Council's system or an alternate approved connection.

Amended plans and documentation prepared in response to Condition Precedent 2 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

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 areas 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 or otherwise suitably delineated to indicate each car space; to the satisfaction of the consent authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.
5. 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.
6. 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.
7. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
8. All balconies are to be internally drained and discharge is to be disposed of at ground level and in a manner consistent with stormwater disposal arrangements for the site to the satisfaction of the consent authority.
9. Lots 2756, 2757, 2758, 2759, & 2760, Town of Alice Springs are required to be consolidated and a new title issued for the consolidated lot. Also please refer to 'Note 6' for advice related to the National Construction Code (NCC).
10. 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.
11. 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.

12. 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.
13. Storage for waste disposal bins is to be provided to the requirements of the Alice Springs Town Council to the satisfaction of the consent authority.
14. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) provide footpaths/ cycleways; and
 - (c) undertake reinstatement works;all to the technical requirements of and at no cost to the Alice Springs Town Council, to the satisfaction of the consent authority.
15. 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.
16. 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.
17. 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
18. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity and telecommunications services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
19. 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
20. 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 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. Occupancy Certification will not be able to be granted until such time as addressing is obtained.”
21. Appropriate erosion and sediment control measures must be effectively implemented throughout the construction phase of the development (including clearing and early works) and all disturbed soil surfaces must be satisfactorily stabilised against erosion at completion of works, to the satisfaction of the consent authority. Information resources are available on the IECA website www.austieca.com.au and the Department of Environment and Natural Resources ESCP Standard Requirements 2019 and Land Management Factsheets available at <https://nt.gov.au/environment/soil-land-vegetation>. For

further advice, contact the Land Development Coordination Branch: (08) 8999 4446.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. A "Permit to Work Within a Road Reserve" will be required from the Alice Springs Town Council before commencement of any work within the road reserves.
3. Notwithstanding the approved plans, all signage is subject to Alice Springs Town Council approval, at no cost to Council.
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 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. Prior to applying for building approval, 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*.
8. 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.
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. 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 telecommunication 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>

11. For the purposes of best practice land management and environmental protection it is recommended that a Type 1 Erosion and Sediment Control Plan (ESCP) be developed in accordance with the Department of Environment and Natural Resources ESCP Standard Requirements 2019 available at <https://nt.gov.au/environment/soil-land-vegetation>. The ESCP should be prepared prior to commencement of works and implemented during the construction phase (including clearing and early works); and all disturbed soil surfaces should be satisfactorily stabilised against erosion at completion of works. For further advice, contact the Land Development Coordination Branch: (08) 89994446.
12. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>
13. Waste bin storage and collection shall be provided in accordance with Alice Springs Town Council requirements.
14. 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.
15. 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.
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:

<https://ntepa.nt.gov.au/publications-and-advice/environmental-management>

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 FOR THE DECISION

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 LMR (Low-Medium Density Residential).

The proposed development and use requires consent under Clause 1.8 (When development consent is required). "Dwelling-group" (3+) is identified as 'merit assessable' under Clause 1.8(b)(i), and therefore the Development Consent Authority must take into account the following:

- the relevant requirements, including the purpose of the requirements, as set out in Parts 5
- 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 relevant to a variation of requirements in Parts 5
- if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Part 5

No Overlays or Area Plans are relevant to the subject site.

The zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential), and

- Clause 5.2.2.1 (General Height Controls in Alice Springs);
- Clause 5.2.4.1 (Parking Requirements)
- Clause 5.2.4.4 (Parking Layout)
- Clause 5.2.6 (Landscaping)
- Clause 5.4.1 (Residential Density Limitations)
- Clause 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures)
- Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height)
- Clause 5.4.3.2 (Distance Between Residential Buildings on one Site)
- Clause 5.4.6 (Private Open Space)
- Clause 5.4.8 (Building Design for Dwelling-Group, Dwelling-Multiple, Rooming Accommodation and Residential Care Facility)

are all relevant to the subject site and proposed "dwelling-group" development.

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

- sub-clause 5 of Clause 5.4.6 (Private Open Space)
- Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 storeys in Height).

Subject to the receipt of amended drawings confirming fencing arrangements (i.e.: minimum 1.8m high), screening (building materials and landscaping) and compliance with conditions of approval, the proposed private open space arrangements will comply in full with all requirements of Clause 5.4.6 of the NTPS2020.

2. Pursuant to Clause 1.10 (Exercise of Discretion by the Consent Authority), subclause 5 of the NT Planning Scheme 2020, the consent authority may consent to a proposed development which is not in accordance with a requirement set out in Parts 3, 5 or 6 only if it is satisfied that the variation is appropriate having regard to:
 - (a) The purpose and administration clauses of the requirement; and
 - (b) The considerations listed under Clause 1.10(3) or 1.10(4).

The proposal has been found to not accord with Clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height).

Sub-clause 5.4.3.1 specifies that the purpose of the extra building setback requirements prescribed are to ensure that residential buildings respond to the potential adverse effects of building massing and visual bulk when viewed from adjoining land and the street. In order to consent to a variation to the requirements of the sub-clause, the authority must be satisfied that the *“design of the development adequately mitigates the adverse effects of building massing and visual bulk that may arise from non-conformity.”*

The Authority considered that the proposal is consistent with sub-clause 5.4.3.1 (Additional Setback Requirements for Residential Buildings longer than 18 metres and for Residential Buildings over 4 Storeys in Height), the zone purpose and outcomes, and is appropriate to the site, in this instance because the:

- Application provides a considered response to the objectives of the NTPS2020 and the design incorporates façade treatments, building setback articulation and landscaping to reduce the visual bulk when viewed from the road reserves;
- building setbacks will be consistent with the building line of established dwellings within Memorial Avenue and Rosenbaum Street;
- wide road reserves will provide significant separation from dwellings on the western side of Memorial Avenue and the sports oval on Centralian Middle School (Lot 3131) on the south side of Rosenbaum Street
- reduced building setbacks are not considered to contribute to undue overlooking of adjoining properties or restrict breeze penetration through and between buildings.

3. 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 for “dwellings-group” 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.

2 public submission were received under section 49 of the Act. Both submissions were in opposition to the application. The applicant provided a written response to the matters raised in the submissions which have been acknowledged and discussed in the report considered by the Development Consent Authority together with the evidence provided by all parties at the public hearing (14/04/2021) of the application.

4. 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 includes visitor car parking spaces and communal open space which exceed the minimum standards for development contained in the NT Planning Scheme 2020.

5. 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 dwellings-group. No filling of the site will be required and the site is within an established residential subdivision. The existing dwellings on each lot (built in the 1960's) will be demolished. 1% AEP flood mapping indicates that the land is not liable to inundation.

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 the Alice Springs Town Council's requirements in terms of works/impact on the adjacent road reserves and storm water drainage.

6. 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 and advisory notes will ensure:

- Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity 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.

7. 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.

It is reasonable to expect that the proposed development will impact on the existing amenity of the area in terms of increased traffic and residential density. These are matters that were considered during the decision to rezone the land in 2009 (Amendment no. 78 to the NT Planning Scheme 2007) and release of the Alice Springs Regional Land Use Plan 2016 and therefore the subject lot is considered capable of supporting a medium density development.

The proposed development seeks variations to building setbacks however subject to compliance with conditions of approval and advisory notes will otherwise be fully compliant with the relevant provisions of the NTPS2020.

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*.

There are no declared heritage places on the subject site or abutting land. An advisory note is included on the permit recommending the land owner and developer discuss the proposal with the Aboriginal Areas Protection Authority prior to undertaking any works on the subject site and adjacent road reserves.

FOR: 3 AGAINST: 0 ABSTAIN: 0

ACTION: Development Assessment Services to prepare a Notice of Determination

**RESOLVED
0027/21**

That, pursuant to section 53(a) of the *Planning Act 1999*, the Development Consent Authority consent to the application to develop Lots 2756, 2757, 2758, 2759, 2760, 3, 5, 7 and 9 Rosenbaum Street & 49 Memorial Avenue, Suburb of Gillen, Town of Alice Springs for the purpose of consolidation into one lot, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
2. 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.
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 on the plan of subdivision submitted for approval by the Surveyor General.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, sewerage, electricity services to the consolidated lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
5. The owner shall:
 - (a) remove disused vehicle and/ or pedestrian crossovers;
 - (b) collect stormwater and discharge it to the drainage network; and

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

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.
2. The Surveyor-General advises you should immediately make application for street addresses to the Survey and Land Records unit on 08 8995 5354 (surveylandrecords@nt.gov.au).
3. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council* before commencement of any work within the road reserves.
4. 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.
5. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land, and the proposed consolidation requires consent under Clause 1.8 (When development consent is required). It is identified as 'Merit Assessable' under Clause 1.8(b)(iii), and therefore the:

- Purpose and requirements of Clause 6.6.2 (Consolidation);
 - zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential));
 - any Overlays and associated requirements in Part 3 that apply to the land;
 - if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Part 6;
- need to be considered.

No Overlays or Area Plans are relevant to the subject site. The proposal will comply with the requirements of Clause 6.6.2 (Consolidation) and zone purpose and outcomes for Zone LMR of the NTPS2020.

2. 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 consolidation of the lots will ensure that no new buildings will not encroach over lot boundaries which will assist with meeting the requirements of the *Building Act 1993*.
3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. Reticulated water supply, electricity and sewerage services are available in the area. The conditions of approval will assist in ensuring:
 - Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity, sewerage and water services and associated works that apply to the consolidation 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.
4. Pursuant to section 47A(a) of the *Planning Act 1999*, no public notice was required for the consolidation of land. In accordance with sections 48 and 48A of the Act, the local authority (Council) and service authorities were notified of the application, no submissions were received.

FOR: 3 AGAINST: 0 ABSTAIN: 0

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

ITEM 2 SUBDIVISION FOR THE PURPOSE OF A UNIT TITLES SCHEME
PA2021/0068 (7 UNITS AND COMMON PROPERTY)

APPLICANT LOT 8866 (47) KURRAJONG DRIVE, SUBURB OF EAST SIDE
FYFE PTY LTD

Andrew Smith (Fyfe Pty Ltd) attended the meeting and spoke further to the application.

RESOLVED That, pursuant to section 53(a) of the *Planning Act 1999*, the Development
0028/21 Consent Authority consent to the application to develop Lot 8866, 47 Kurrajong
Drive, Suburb of East Side Town of Alice Springs for the purpose of unit title
schemes subdivision to create 7 units and common property, subject to the
following conditions:

CONDITIONS PRECEDENT

1. Prior to the endorsement of plans as part of this development permit and prior to commencement of subdivision works, consent for the changes made and any upgrades proposed to DP97/0590 (eg: car parking layout, landscaping, shade structure/s) for the existing dwelling-group development at Lot 8866, 47 Kurrajong Drive, Town of Alice Springs (responding to sub-clause 1 of Clause

6.6.1 of the NT Planning Scheme 2020) is required. Consent may be sought through an application under either section 57 (i.e. a variation to the conditions of DP97/0590), subject to the limitations of section 57; or section 46 of the *Planning Act 1999*.

2. Subject to consent having been obtained for upgrades to the dwelling-group development in accordance with Condition Precedent 1 of this permit, a Unit Title Schemes subdivision plan(s) generally consistent with the plan included with Development Application PA2021/0068, must be submitted for assessment and endorsement as part of this permit, at the discretion of the consent authority.

Amended plans and documentation prepared in response to Condition Precedent 2 may be submitted to the Development Consent Authority C/- Development Assessment Services, Department of Infrastructure, Planning and Logistics, C/- Alice Springs Branch via email to das.ntg@nt.gov.au.

GENERAL CONDITIONS

3. The works carried out under this permit shall be in accordance with the drawing endorsed as forming part of this permit.
4. Prior to new titles being issued for the units shown on the endorsed drawings, a Scheme Statement meeting the requirements of the *Unit Title Schemes Act 2009* (as confirmed by the Land Titles Office, Department of Attorney General and Justice) shall be submitted for endorsement by the consent authority.
5. Part V Clearance (section 62 of *Planning Act 1999*) for subdivision into units under the *Unit Titles Scheme Act 2009* will not be granted until the relevant Certificate of Compliance (section 65 of the *Planning Act 1999*) has been issued for the development as shown on Development Permit DP97/0590. This will include any Variation of Conditions permit or a Development Permit issued in response to an application to alter the car parking layout, private open space, landscaping, shade structure/s of the "dwellings-group" on Lot 8866, 47 Kurrajong Drive, Town of Alice Springs in order to effect upgrading works to the development required under sub-clause 1 of Clause 6.6.1 of the NT Planning Scheme 2020.
6. Prior to Part V clearance (section 62 of *Planning Act 1999*) being issued for the units shown on the endorsed drawings, written confirmation from a registered building certifier verifying that the matters referred to in the statement prepared by Central Building Surveyors (dated 17 March 2021) have been completed (i.e.: Occupancy Certification obtained), and that the buildings comply with any requirements prescribed by section 8C(2) of the *Planning Regulations 2000* in relation to the building (including, for example, requirements about the structural integrity and fire safety of the buildings), must be provided to the satisfaction of the consent authority.
7. Before issue of a Part V clearance (section 62 of the *Planning Act 1999*), pursuant to section 91 of the *Land Title Act 2000* and Part 9 of the *Law of Property Act 2000*, a "right of way" driveway access easement (in favour of Lot 8763) shall be registered on the Title of Lot 8866, Alice Springs, including the vehicle access between the street boundary of Lot 8866 and that driveway area providing access to Lot 8763 (generally consistent with the drawing numbered '74012-1-SV-PR02-r3.dwg' (dated 22/02/2021) and included in the

application approved through this permit. This condition is to the satisfaction of the consent authority

8. 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.
9. 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.
10. 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 to the satisfaction of the consent authority.
11. 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 services to the development shown on the endorsed plans in accordance with the authorities' requirements and relevant legislation at the time.
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 new titles being issued for the units shown on the endorsed drawings, confirmation shall be provided to Development Assessment Services (in the form of an email addressed to the Power and Water Corporation) demonstrating that the Power and Water Corporation has been provided with a copy of the survey plan with the new lot numbers. This is for the purpose of ensuring the relevant Power and Water Information and Billing System is updated. Please provide a copy of an email addressed to both waterdevelopment@powerwater.com.au and powerconnections@powerwater.com.au
14. All air conditioning condensers (including any condenser units required to be added or replaced in the future) are to be appropriately screened from public view, located so as to minimise thermal and acoustic impacts on neighbouring properties and condensate disposed of to ground level in a controlled manner to the satisfaction of the consent authority.
15. Prior to new titles being issued, it shall be confirmed by the consent authority that all areas shown on the plans endorsed by the consent authority through Development Permit DP97/0590 as service authority easements, communal open space, shared driveways, or areas set aside for the communal storage and collection of garbage or other solid waste, or other shared amenities are shown on the survey plan as Common Property

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (waterdevelopment@powerwater.com.au) and Power

Network Engineering Section (powerdevelopment@powerwater.com.au) should be contacted via email a minimum of 1 month prior to construction works commencing in order to determine the Corporation's servicing requirements, and the need for upgrading of on-site and/or surrounding infrastructure.

2. As part of any subdivision, the parcel numbers for addressing should comply with the Australian Standard (AS/NZS 4819:2011). For more information contact Survey and Land Records surveylandrecords@nt.gov.au 08 8995 5354. The numbers shown on the plans endorsed as forming part of this permit are indicative only and are not for addressing purposes
3. A "Permit to Work Within a Road Reserve" may be required from *Alice Springs Town Council* before commencement of any work within the road reserves.
4. 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.
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. 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>
7. The Northern Territory Subdivision Development Guidelines capture the technical standards to comply with for the construction of public infrastructure as part of subdivision works to the requirements of service authorities and local authorities. Prior to any works commencing, it is encouraged that you engage early with the relevant authority to confirm their requirements and any variations that may be sought to the Subdivision Development Guidelines to ensure the works are completed to the relevant authorities' requirements. The Northern Territory Subdivision Development Guidelines can be found at: <https://www.ntlis.nt.gov.au/sdg-online/>

REASONS FOR THE DECISION

1. Pursuant to section 51(1)(a) of the *Planning Act 1999*, in considering a development application, the Development Consent Authority must take into account the planning scheme that applies to the land to which the application relates.

The NT Planning Scheme 2020 applies to the land, and the proposed consolidation requires consent under Clause 1.8 (When development consent is required). A unit title schemes subdivision of a previously approved

development is identified as 'Merit Assessable' under Clause 1.8(b)(iii), and therefore the:

- Purpose and requirements of Clause 6.6.1 (Subdivision for the Purposes of a Unit Title Scheme);
 - zone purpose and outcomes of Clause 4.3 (Zone LMR (Low-Medium Density Residential));
 - any Overlays and associated requirements in Part 3 that apply to the land;
 - if an Area Plan in Part 2 applies to the land, any component relevant to a variation of requirements in Part 6;
- need to be considered.

No Overlays or Area Plans are relevant to the subject site. The proposal will comply with the zone purpose and outcomes for Zone LMR of the NTPS2020.

Sub-clause 1 of Clause 6.6.1 specifies that *a lawfully established development on a lot may be subdivided to create a unit title scheme only if the development has been upgraded to meet the development requirements within Part 5 of the planning scheme that apply to the development of the land. If it is not possible to meet the requirements the consent authority must be satisfied that the proposed upgrading is the only practicable design solution.*

The site is zoned LMR and "dwelling-group" is a merit assessable use in Zone LMR under the NTPS 2020. The assessment of the application against "Part 5" of the NTPS2020 notes that the existing "as constructed" development does not comply with clauses 5.4.2.1 (Parking Requirements), 5.2.4.4 (Parking Layout), 5.4.3 (Building Setbacks of Residential Buildings and Ancillary Structures), 5.2.6 (Landscaping), 5.4.8 (Building Design for Dwelling-Multiple), 5.4.1 (Residential Density Limitations), and 5.4.6 (Private Open Space).

Development Permit DP97/0590 was issued to allow the construction of 7 dwellings on the site. No Certificate of Compliance has been issued confirming the conditions of the permit have been met and aspects of the development and use (as established) are different from the endorsed drawings for DP97/0590 (eg: changes to car parking layout, landscaping, boundary dimensions). Consent to vary the conditions of DP97/0590 may be sought pursuant to section 57 of the *Planning Act 1999*.

The assessment notes that despite the aspects of technical non-compliance against "Part 5" of the NTPS2020, subject to upgrading of landscaping, the design will fulfil many of the purpose statements of the Scheme. Furthermore, the original development was generally compliant with the Alice Springs Town Plan 1992 (as in force in 1997).

2. 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 site is serviced with reticulated water, power and sewerage and is currently developed with 7 dwellings. The development is not identified as being located within a 1% AEP defined flood area, and there are no other known physical characteristics that would render the site unsuitable for unit titling of existing development.

3. Pursuant to section 51(1)(m) of the *Planning Act 1999*, in considering a development application the Development Consent Authority must take into account the requirement for public facilities and services to be connected to the land and the requirement, if any, for those facilities or infrastructure to be provided by the developer for that purpose. Reticulated water supply, electricity and sewerage services are available in the area. The conditions of approval will assist in ensuring:
 - Service authority interests are duly recognised in terms of storm water drainage, vehicle access, electricity, sewerage and water services and associated works that apply to the subdivision 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.
4. A Scheme Statement is required to be submitted for endorsement by the Development Consent Authority prior to new titles being issued in order to ensure that the Scheme Statement is consistent with the development approved by Development Permit DP97/0590.
5. Pursuant to section 51(1)(q) of the *Planning Act 1999*, in considering a development application for a proposed subdivision of land on which a building is, or will be situated, the consent authority is required to take into account whether the building complies, or will comply, with any requirements prescribed by regulation in relation to the building (including, for example, requirements about the structural integrity and fire safety of the building). The statement from a building certifier included with the application did not address the matters listed in sections 46(3)(k) & (l) of the *Planning Act 1999*, such that the Authority could be satisfied that the matters listed in section 51(q) of the *Planning Act 1999* and 8C of the *Planning Regulations 2000* will be complied with.

The owner proposes obtaining Occupancy Certification to make the development compliant with the requirements of *Building Act 1993*. A condition is included to provide a confirmation from a building certifier that any necessary works have been completed, prior to the issue of "Part 5" (section 62 *Planning Act 1999*) clearance for the subdivision.

6. Pursuant to section 47A(b) of the *Planning Act 1999*, no public notice was required to subdivide land under the *Unit Title Schemes Act 2009*. In accordance with sections 48 and 48A of the Act, the local authority (Council) and service authorities were notified of the application, no adverse submissions were received.

FOR: 3 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


CHRIS NECK
Presiding Member

23/04/2021