

DEVELOPMENT CONSENT AUTHORITY

ALICE SPRINGS DIVISION

MINUTES

WEDNESDAY 11 FEBRUARY 2015

**DOUBLE TREE BY HILTON
BARRETT DRIVE
ALICE SPRINGS**

MEMBERS PRESENT: Denis Burke, David Koch, Steve Brown and Alistair Feehan

APOLOGIES: Brendan Heenan

OFFICERS PRESENT: Peter Somerville, Ben Taylor and Fraser Cormack

COUNCIL REPRESENTATIVE : Dilip Nellikat

Meeting opened at 10:40 am and closed at 11:00 am

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.

**ITEM 1 DEVELOPMENT – SUBDIVISION TO CREATE 37 RESIDENTIAL LOTS
LOT 7593, 70 PALM CIRCUIT, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
AUSTRALIAN PROPERTY PROJECTS PTY LTD**

Mr Ken Patterson attended the meeting in support of the application and tabled amended drawings.

**RESOLVED
0012/15**

That, the Development Consent Authority vary the requirements of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) of the Northern Territory Planning Scheme, and pursuant to section 53(b) of the *Planning Act*, alters the application and consents to the application as altered to develop part of Lot 7593 (proposed Lot 2 as identified on Drawing Number PA12/0786/1A that forms part of Variation of Conditions permit DP12/0639A), 70 Palm Circuit, Suburb of Ross, Town of Alice Springs for the purpose of a subdivision to create 37 lots, subject to the following conditions:

CONDITIONS PRECEDENT

1. A Title to the proposed lot (Lot 2 as identified on Drawing Number PA12/0786/1A that forms part of Variation of Conditions permit DP12/0639A) subject of this subdivision proposal shall be submitted to Development Consent Authority prior to the commencement of any subdivision works approved by this Development Permit.
2. Prior to the commencement of works, a Construction Traffic Management Plan (CTMP) for the management of the construction phase of the subdivision which is to the satisfaction of the consent authority must be submitted and approved by the consent authority upon advice of the Department of Transport and Alice Springs Town Council. When approved, the CTMP will be endorsed and will then form part of the permit. The purpose of the CTMP is to ensure:
 - (a) The bus stop / shelters within the road reserve to be kept clear of vehicles at all times;
 - (b) Deliveries of goods and materials to be "on site"; and
 - (c) The developer to control the parking of trade vehicles and trailers so as not to interfere with the bus network.
3. Prior to works commencing, a statement from a registered building certifier is required, addressing the matters contained in section 46(3) of the *Planning Act*. This condition is to the satisfaction of the consent authority.
4. Prior to the endorsement of plans and prior to commencement of works (including site preparation); either:
 - (a) The owner of Lot 7593, Town of Alice Springs must lodge an application pursuant to section 13(1) of the Planning Act seeking approval to rezone Lot 1 (as identified on Drawing Number PA12/0786/1A that forms part of Variation of Conditions permit DP12/0639A) to Zone MD (Multiple Dwelling Residential); **or**
 - (b) 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 two copies must be provided. The plans must be generally in accordance with the plans tabled by the applicant at the 11/02/2015 Development Consent Authority meeting but modified to show building envelopes for proposed lots 11 – 22 with a minimum 5m setback to land zoned TC (Tourist Commercial) – as required by clauses 3(c)(iii) and 7(b)(iv) of Zone SA8.

GENERAL CONDITIONS

5. The works carried out under this permit shall be in accordance with the drawings endorsed as forming part of this permit.
6. 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.
7. 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.
8. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage and electricity facilities, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
9. Engineering design and specifications for the proposed and affected roads, street lighting, stormwater drainage, vehicular access, pedestrian/cycle corridors and streetscaping are to be to the technical requirements of Alice Springs Town Council to the satisfaction of the consent authority and all approved works constructed at the owner's expense.
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. 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.
12. The land owner of shall ensure the registration of right-of-way easements on the Titles of Lots 6 & 7 and Lots 36 & 37 as identified on the endorsed drawings that form part of this permit, to the satisfaction of the consent authority.
13. Before issue of titles and pursuant to section 34 of the Land Title Act, a Caution Notice shall be lodged with the Registrar-General on the parent parcel to include the following advice on Lots 14-22 and 27 & 28 indicated on the endorsed drawings. The Caution Notice is to state that: "This allotment is subject to inundation in a 1% AEP Defined Flood Event". Evidence of lodgement on the parent parcel shall be provided to the satisfaction of the consent authority.

NOTES:

1. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@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.
2. Professional advice regarding implementation of soil erosion control and dust control measures that could be employed throughout the construction phase of the subdivision is available from the Department of Land Resource Management.
3. The applicant is advised to engage a building certifier, within the meaning of the *Building Act*, as to whether the building/s comply with the *Building Act*.
4. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
5. A "Permit to Work Within a Road Reserve" may be required from Alice Springs Town Council before commencement of any work (including construction access) within the Palm Circuit road reserve and Todd River (Lot 8287).
6. A permit may be required from the Parks and Wildlife Commission of the Northern Territory before commencement of any work (including construction access) within Lot 9519 (Yeperenye / Heavitree Range Nature Park).
7. Any proposed works which fall within the scope of the Construction Industry Long Service Leave and Benefits Act 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. "All new roads are required to be named under the *Place Names Act*. You should immediately make application to the Place Names Committee to commence the road naming process. Contact the Place Names Unit on 08 89955333 or placenames.dpi@nt.gov.au. Further information can be found at <http://www.placenames.nt.gov.au>."
9. The Northern Territory Environment Protection Authority 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.
10. You are advised to contact NBN Co prior to commencing construction to determine if your development is in an NBN-eligible area. This will help identify

the relevant telecommunication network servicing requirements for the development.

To register, please complete the pre-qualification forms located at www.nbnco.com.au/newdevelopments. For more information, please contact the NBN Co New Developments Team on 1800 687 626 or email newdevelopments@nbnco.com.au

REASONS FOR THE DECISION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must, in considering a development application take into account the planning scheme that applies to the land to which the application relates:
 - a) The proposed subdivision is consistent with the purpose of Zone SA8 of the NT Planning Scheme which is to *facilitate the subdivision, use and development of the land primarily for single dwellings, limited multiple dwellings and a limited range of low impact residential activities*.
 - b) The conditions of approval will ensure that the subdivision complies with the performance criteria of Zone SA8 of the NT Planning Scheme;
 - c) The size of the allotments and subdivision layout is consistent with the concept plans that formed part of the Planning Scheme Amendment application (PA2014/0171) to rezone the land to specific use (Zone SA8). The variation to subclause 2(c) of Clause 11.2.3 (Lot Size and Configuration in Residential Subdivisions) to allow battle axe shaped allotments (Lots 6 & 37) is also supported on this basis.
2. Pursuant to section 51(m) of the *Planning Act*, in considering a development application the 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 to be provided to the developer for that purpose.
 - The Power and Water Corporation has identified that reticulated electricity, water and sewer services are available to the site. Conditions attached to the Development Permit will duly recognise the interests of service authorities in terms of connection of reticulated services to each lot and other servicing requirements.
 - The Alice Springs Town Council has advised that the kerb crossover to the site from the Palm Circuit road reserve, internal roads within the subdivision, streetscaping, footpaths and storm water drainage require approval and will be subject to Councils standards. The conditions of approval reflect these requirements.
3. Pursuant to section 51(j) of the *Planning Act*, 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. Part of the site is identified as being liable to inundation in a 1% AEP Defined Flood Event. The requirement for a Caution Notice to be registered on the title of each lot is considered necessary to appropriately ensure that prospective land owners/occupants of lots created through the subdivision are aware of the flood

liability of the land and associated potential hazards and inconveniences. The design of any new dwelling/s on each flood liable lot will need to address the performance criteria of Clause 6.14 of the NT Planning Scheme.

4. Pursuant to section 51(q) of the *Planning Act*, in considering a development application (for a proposed subdivision on which a building is 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. The site (Lot 7593) is developed with numerous buildings. The application did not include a statement from a building certifier as required by section 46(3)(k) of the *Planning Act*. The conditions of approval are expected to assist in verifying the subdivision of the land will not result in non-compliance with the *Building Act*.
5. The application was publicly exhibited in accordance with the *Planning Act* and *Planning Regulations*. No public submissions were received.

ACTION: Notice of Consent and Development Permit

**ITEM 2 DEVELOPMENT – SUBDIVISION OF ONE LOT TO CREATE TWO LOTS
LOT 9377, 15 MINAHAN ROAD, SUBURB OF ROSS, TOWN OF ALICE SPRINGS
MASTERPLAN NT**

Mr William Low and Mrs Carmel Ryan attended in support of the application.

**RESOLVED
0013/15**

That, the Development Consent Authority varies the requirements of Clause 11.1.1. (Minimum Lot Sizes and Requirements) of the Northern Territory Planning Scheme, and pursuant to section 53(a) of the *Planning Act*, consents to the application to develop Lot 9377 (15) Minahan Road, Suburb of Ross, Town of Alice Springs, for the purpose of a subdivision to create two lots, subject to the following conditions:

GENERAL CONDITIONS

1. The works carried out under this permit shall be in accordance with the drawing prepared by MasterPlan Town and Country Planners, dated 3 February 2015, lodged on 4 February 2015 and endorsed as forming part of this permit.
2. 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.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, electricity facilities, and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities' requirements and relevant legislation at the time.
4. Engineering design and specifications for stormwater drainage and vehicle access are to be to the technical requirements of the Alice Springs Town Council, to the satisfaction of the consent authority

5. Before the issue of titles, firebreaks along boundaries or at appropriate locations, must be provided to the satisfaction of the consent authority on advice from the Northern Territory Fire and Rescue Service.
6. A right of way easement as shown on the subdivision plan endorsed as forming part of this development permit is to be created on the plan of subdivision submitted for approval by the Surveyor General.

NOTES:

1. The Aboriginal Areas Protection Authority recommends that the permit holder obtain an Authority Certificate to indemnify against prosecution under the Aboriginal Sacred Sites Act. For advice on how to obtain a certificate please contact the Aboriginal Areas Protection Authority.
2. A Permit to Work Within a Road Reserve may be required from the Alice Springs Town Council before commencement of any work within the road reserve.
3. The Department of Land Resource Management (DLRM) advises that the site is located within the Alice Springs Declared Area of Erosion Hazard and that, in pursuance of section 17(1) of the Soil Conservation and Land Utilisation Act, land owners are required to maintain ground cover. Professional advice regarding implementation of soil erosion control and dust control measures to be employed throughout the construction phase of the development are available from DLRM. DLRM recommends:
 - a) the adoption of the Erosion and Sediment Control Plan prepared by Low Ecological Services Pty Ltd that formed part of the application under which this permit was issued, as a guide to any future construction of internal access roads and drainage crossovers; and
 - b) providing all fire break crossings at drainage floor level, to ensure water drainage disperses to natural sheet flow rather than concentrating along constructed tracks.
4. The Power and Water Corporation advises that the Water and Sewer Services Development Section (landdevelopmentsouth@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. Telstra advises that the developer is required 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.

REASONS FOR THE RECOMMENDATION

1. Pursuant to section 51(a) of the *Planning Act*, the consent authority must take into consideration the planning scheme that applies to the land to which the application relates. The proposed subdivision will create two lots, each of which is expected to be suitable for rural living use with the form of development

reasonably expected within Zone R (Rural) of the Northern Territory Planning Scheme and is considered consistent with the policy for the zone in the context of the established development of the locality and the characteristics of the site.

2. It is considered that the requested variation to subclause 2 of Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme with respect to the minimum lot size of 40 hectares can be supported in this instance, as:
 - a) Lot 9377 is:
 - (i) one of 16 lots (Lots 9369 to 9384 inclusive) Zoned R (Rural) and created through the subdivision of former Lot 9350 (Development Permit DP03/0314 refers). The 16 lots range in size from 3.51ha to 26.05ha, with an average size of 10.92ha; and
 - (ii) located within a locality zoned predominantly R (Rural) and RL (Rural Living), with a broad range of lot sizes;
 - b) the application has demonstrated that the proposed lots are of a size that may be expected to readily accommodate residential use and ancillary uses with potential for some other uses classified as either permitted or discretionary, within Zone R (Rural);
 - c) the proposed lots sizes and dimensions may be expected to be compatible with the established subdivision pattern in the locality and the creation of the lots is not expected to significantly affect the established character or rural living amenity of the locality;
 - d) the size and physical characteristics of Lot 9377 are such that it is not suitable for agricultural use and the continued use for residential use and ancillary uses and/or potentially other permitted and/or discretionary uses is envisaged;
 - e) the application includes documentation, including a Land Resource and Capability Assessment and a Flood, Erosion and Sediment Control Plan, prepared by suitably qualified consultants, illustrating and concluding that:
 - (i) the application has demonstrated that each of the lots includes an area of no less than 1 hectare of unconstrained land;
 - (ii) while the northern section of the land is severely constrained by slope and sacred sites, constraints within the southern section, including erosion, sacred sites, on-site wastewater management and drainage may be readily overcome, and that the proposed subdivision will facilitate future residential use, while retaining the rural amenity, ambience and conservation value of the sites;
 - f) the application includes a drainage management report, prepared by suitably qualified consultants, that illustrates/concludes that:
 - (i) there are no waterlogged soils;
 - (ii) drainage to achieve all weather access to unconstrained land may be readily achieved through appropriate design and construction of driveway access across drainage channels;
 - (iii) drainage to achieve stormwater and localised flood protection for dwellings may be readily achieving through appropriate siting, construction and minor drainage works.

These circumstances are considered to justify the granting of a variation to clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme and the objective of the clause has been assessed as being met. The subdivision has been assessed as being compliant with all other aspects of Part 5 of the NT Planning Scheme.

3. Pursuant to section 51(n) of the *Planning Act* 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. It is not envisaged that the future development and use of the land will unduly impact on the amenity of adjoining properties or the locality on account of its development as two lots rather than a single lot.
4. Pursuant to section 51(e) of the *Planning Act*, in considering a development application the Development 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. A written submission was received from the Alice Springs Rural Area Association objecting to the proposed subdivision and identifying that the application did not properly address a range of requirements under the *Planning Act* and NT Planning Scheme or demonstrate special circumstances that could reasonably justify required variations to the Planning Scheme requirements.

The application has subsequently been reviewed and documented in a manner that comprehensively addresses relevant considerations and requirements under the *Planning Act* and the Planning Scheme and the application is considered to demonstrate circumstances that reasonably justify the granting of the requested variation to Clause 11.1.1 (Minimum Lot Sizes and Requirements) of the NT Planning Scheme. The submitter was provided with a copy of the revised application and invited to make a further and no further submission was received. The submitter has been invited to attend the hearing of the application. The Alice Springs Town Council did not make a local authority submission under section 49(3) of the *Planning Act*.

5. Pursuant to section 51(j) of the *Planning Act*, 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 revised application includes:
 - a) a land capability assessment addressing NT Land Suitability Guidelines;
 - b) a flooding, erosion and sediment control plan; and
 - c) a drainage management advice/report including recommended drainage management strategies, prepared by consulting engineers. The reports identify/conclude that the land is capable of accommodating the proposed subdivision without any undue impact on the site or adjoining properties. The Department of Land Resource Management (DLRM) in its response to the application:
 - a) has not identified any concerns in relation to the proposal;
 - b) identifies that:
 - (i) a building envelope for proposed Lot B (the eastern lot) was approved, with access in mind (i.e. through the subdivision that created Lot 9377);
 - (ii) the site is located within Alice Springs Area of Erosion Hazard and that consequently, landowners have obligations under the *Soil Conservation and Land Utilisation Act* relating to retention of groundcover; and
 - c) recommends:
 - (i) mulching of vegetation stockpiles (to allow reuse);

- (ii) firebreak crossings at drainage floor level to avoid concentration along vehicle tracks;
- (iii) adoption (by owners of the lots) of the Erosion and Sediment Control Plan as a guide, if construction of any internal access roads and drainage crossovers will be required in the future.

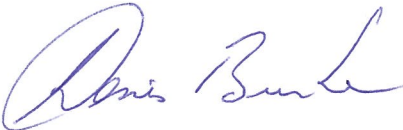
It is considered that the application documentation demonstrates that the land is capable of accommodating the proposed subdivision without any significant impact on the land or adjoining land.

6. Pursuant to section 51(m) of the *Planning Act*, 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.
- a) The Alice Springs Town Council (Council) has requested development permit conditions relating to stormwater management and site access. Notwithstanding that the application proposes minimal works and that it issued a clearance under Part 5 of the *Planning Act* for the subdivision that created Lot 9377, with respect to stormwater drainage and site access, a standard condition relating to drainage and access will provide capacity for the developer to negotiate any works that may be deemed necessary, with the relevant authority.
 - b) Power and Water Corporation (PAWC) has advised that it has no objections to the proposed development and has requested standard permit conditions relating to PAWC interests. A standard note regarding works is expected to duly recognise PAWC's interests with respect to the proposed development.
 - c) The Northern Territory Fire and Rescue Service has identified the need for additional firebreaks and it is envisaged that appropriate breaks as required may be achieved without adversely affecting sacred site or environmental values, subject to due regard to statutory restriction relating to the sacred sites and to Department of Land Resource Management advice in relation to land management practices.
 - d) The Department of Health has advised that it has no objections to the proposal, subject to compliance with relevant legislation and guidelines.
 - e) The application identifies that:
 - (i) proposed Lot A has an existing dwelling and associated approved on-site waste treatment system; and
 - (ii) proposed Lot B has an existing approved dependant unit and associated septic system and waste water disposal; and
 - (iii) the environmental report by Low Ecological Services Pty Ltd concludes that:
 - it is "likely to find a suitable location for residential on-site wastewater disposal between the three land units considered marginally suitable";
 - "regardless of whether a suitable and practical location could be found for septic disposal from a future dwelling on the eastern lot, alternative technologies that are available such as the OzzieKlean waste water treatment system in use at the existing dwelling. Water from this system is recycled for use on the gardens and the technique is widely used in industry".
 - (iv) It is noted that proposed Lot B (the eastern lot) includes an area identified as a suitable 'development envelope' at the time of the subdivision of former Lot 9350, which created 16 lots including Lot 9377 and that the

area is located wholly within the identified area of unconstrained land for proposed Lot B as shown in the current application.

ACTION: Notice of Consent and Development Permit

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



DENIS BURKE
Chairman

13 / /2015

