



Development Consent Authority

Northern Territory

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Mr Nigel Bancroft
c/o Land Development
Department of Infrastructure, Planning and Logistics
GPO Box 1680
Darwin NT 0801

Via email: Nigel.Bancroft@nt.gov.au

Dear Mr Bancroft

NOTICE OF CONSENT (SECTION 30Y OF THE PLANNING ACT) LOT 1238 (33) LEICHHARDT STREET, TOWN OF TENNANT CREEK

The Development Consent Authority has determined, in accordance with section 30W(1)(a) of the *Planning Act 1999*, to grant consent to the proposal to use and develop the abovementioned land for the purpose of subdivision to create four lots, subject to the conditions specified on the attached Development Permit DP21/0062.

Reasons for the Determination

1. Pursuant to sections 30P(2)(a) and (b) of the *Planning Act 1999*, the consent authority must take into account any planning scheme that applies to the land to which the application relates and the amendment proposal contained within the application.

The NT Planning Scheme 2020 applies to the land and subdivision requires consent under Clause 1.8 (When development consent is required). 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 Tennant Creek Land Use Plan) is relevant to the application, zone purpose and outcomes of Clause 4.14 Zone LI (Light Industry), Clause 4.22 Zone CP (Community Purpose) and Zone CN (Conservation), and Clauses 6.4.1 Lot Size and Configuration for Subdivision in Zones LI, GI and DV, 6.4.2 Site Characteristics for Subdivision in Zones LI, GI and DV, and 6.4.3 Infrastructure for Subdivision in Zones LI, GI and DV 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. There are no minimum lot sizes or specific subdivision requirements for land in Zone CP and CN.

2. Pursuant to Section 30P(2)(l) of the *Planning Act 1999*, the consent authority must take into consideration the capability of the public utilities or infrastructure provided in the area in which the land is situated and any requirement for public facilities and services to be

connected to the land; and facilities, infrastructure or land to be provided by the applicant.

No issues are identified with respect to land capability for this subdivision. The site is relatively flat, and the historical use and development demonstrates its suitability for general use and development. The site is not affected by mapped 1% AEP flooding, storm surge or subject to airport noise impacts. All requests by service authorities have been appropriately addressed through recommended conditions and notes to be included on any permit issued.

Subsequent to hearing from the applicant and Council at the meeting, the Authority determined that the inclusion of a condition precedent requiring the applicant to liaise further with Council regarding the width of the proposed road was not necessary. The Authority was satisfied that the proposed road has been designed to meet standard subdivision requirements, and that the inclusion of a standard condition requiring engineering design and specifications for the proposed and affected roads to be submitted to the technical requirements of Council, would further ensure this is the case.

3. Pursuant to Section 30P(2)(m) of the *Planning Act 1999*, the consent authority must take into consideration the potential impact of the existing and future amenity of the area in which the land is situated.

The site is identified within the Tennant Creek Land Use Plan as appropriate for industry and community purpose uses as is proposed. The subdivision is assessed as compliant with the relevant clauses of the NT Planning Scheme 2020 as if the land were in Zone LI (Light Industry). There are no minimum lot sizes or specific subdivision requirements for land in Zone CP and CN. No undue amenity impacts are anticipated as a result of the subdivision.

4. It is noted that while the preliminary decision pursuant to section 30P(2) did not include assessment against land in Zone MR (as it was originally proposed to be rezoned to LI), as the land is already zoned MR there are no implications in relation to the subdivision proposal. The portion of proposed Lot A that is to remain Zone MR meets minimum lot sizes (800m² required and approximately 3000m² in the zone MR portion of the lot) and any future development will have to demonstrate compliance with the applicable requirements of the NT Planning Scheme that relate to development in Zone MR.

Right of Appeal

Applicants are advised that a right of appeal to the Northern Territory Civil and Administrative Tribunal exists under Part 9 of the *Planning Act 1999*. An appeal under section 114 against a determination of a development application must be made within 28 days of the service of this notice.

The Northern Territory Civil and Administrative Tribunal can provide information regarding the Notice of Appeal form and fees payable. The address for lodgement of a Notice of Appeal is: Northern Territory Civil and Administrative Tribunal, PO Box 41860 CASUARINA NT 0810 or Level 1, The Met Building, 13 Scaturchio Street, CASUARINA NT 0810 (Telephone: 08 8944 8720 or Facsimile 08 8922 7201 or email AGD.ntcat@nt.gov.au).

There is no right of appeal by a third party under section 117 of the *Planning Act 1999* in respect of this determination as section 117(4) of the Act and regulation 14 of the Planning Regulations 2000 apply to the application.

If you have any queries in relation to this Notice of Consent or the attached Development Permit, please contact Development Assessment Services on telephone (08) 8951 9211.

Yours faithfully



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Philip
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Suzanne Philip
Delegate

30 March 2022

cc Alice Springs Town Council
Graeme Finch